

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(James L. Clark VS Debtor)

Docket 94

**\*\*\* VACATED \*\*\* REASON: Settled by stipulation, order entered on  
12/18/18-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order entered on 12/18/18.  
No appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Nissan Motor Acceptance Corporation VS Debtors)

Docket 44

**Tentative Ruling:**

No tentative ruling in light of debtors' opposition to the motion. Appearances are required on 1/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 8, 2019

Hearing Room 1675

10:30 AM

2:18-18712 Ben B. Safyari

Chapter 11

#3.00 Hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)

Docket 96

**Tentative Ruling:**

Service of the motion is deficient since there is no proof of service on the 20 largest unsecured creditors as required by FRBP 4001(a)(1) and 1007(d). The motion appears to be a contested matter under FRBP 9014 with respect to the purpose of stay relief to allow the civil contempt proceeding to go forward in state court whether for the purpose of collecting on the judgment and vindicating private rights or for the purpose of effectuating public policy to deter "unprofessional conduct." In re Dingley, 852 F.3d 1143, 1146-1147 (9th Cir. 2017); see also, Kukui Gardens Corp. v. Holco Capital Group, Inc., 675 F.Supp.2d 1016, 1025-1029 (D. Haw. 2009). Most likely, the court will have to set an evidentiary hearing after proper notice is given to creditors. Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)

Docket 31

**Tentative Ruling:**

The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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10:30 AM

**CONT... Joseph West**

**Chapter 7**

same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-21136 Pamela Marie Strong**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Pamela Marie Strong

Represented By  
Harriet L. Goldfarb

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-22957 Aleta Hoffer**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Aleta Hoffer

Pro Se

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23136 Azca Props, LLC**

**Chapter 11**

**#7.00** Hearing re: Motion for relief from stay  
(The Bank of New York Mellon VS Debtor)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. See *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Azca Props, LLC

Represented By  
Marc A Goldbach

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-11191 Hector Manuel Garcia and Francisca Garcia**

**Chapter 7**

**#7.10** Hearing re: Motion for order authorizing loan modification agreement

Docket 20

**Tentative Ruling:**

Because the motion may implicate the automatic stay under 11 U.S.C. 362(a) (1), (3), (4) and/or (6), movant will have to give notice of hearing on the motion pursuant to Federal Rules of Bankruptcy Procedure 4001(a)(1), 9013 and 9014 and Local Bankruptcy Rule 9013-1(o)(2)(B) on debtor and the Chapter 7 trustee and provide copies of the agreement to be authorized to the court and service parties. Appearances are required on 1/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hector Manuel Garcia

Represented By  
Francis Guilardi

**Joint Debtor(s):**

Francisca Garcia

Represented By  
Francis Guilardi

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-22101 Mary Palolo Anderson**

**Chapter 7**

**#8.00** Cont'd hearing re: Motion for relief from stay  
(Federal National Mortgage Association VS Debtor)  
fr. 12/18/18

Docket 13

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling in light of debtor's opposition to the motion. Appearances are required on 1/8/19, but counsel may appear by telephone.

Prior tentative ruling. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Palolo Anderson

Represented By  
Daniel King

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Mary Palolo Anderson**

**Chapter 7**

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-22101 Mary Palolo Anderson**

**Chapter 7**

**#8.10** Order to show cause why counsel for debtor, Daniel King, The Attorney Group, should not be sanctioned for failing to file a written opposition on behalf of debtor to motion of Federal National Mortgage Association for relief from automatic stay

Docket 13

**Tentative Ruling:**

No tentative ruling as of 1/7/19. Appearances are required on 1/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Palolo Anderson

Represented By  
Daniel King

**Trustee(s):**

Heide Kurtz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01351 Mover v. Jaurigui

**#9.00** Status conference re: Complaint for nondischargeability under 11 U.S.C. §§523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4)

Docket 1

**Tentative Ruling:**

Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Jonathan Mover

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

**#10.00** Status conference re: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4)

Docket 1

**Tentative Ruling:**

Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#11.00** Cont'd hearing re: Debtor's Motion For The Entry Of An Order: (1) Approving The Sale Of Real Property Free And Clear Of All Liens, Claims, Encumbrances, And Interests, With The Exception Of Enumerated Exclusions, Subject To Overbid, (2) Finding That The Buyer Is Good Faith Purchaser, (3) Approving Bidding Procedures And Break-Up Fee, (4) Authorizing And Approving The Payment Of Certain Claims From Sale Proceeds, And (5) Waiving The Fourteen-Day Stay Period Set Forth In Bankruptcy Rule 6004(h)  
fr. 8/7/18

Docket 276

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Pursuant to the prior scheduling order, discovery was cutoff on 12/31/18. Appearances are required on 1/8/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings as to whether the sale is a reasonable exercise of business judgment, and whether the sale satisfies one of the conditions of 11 U.S.C. 363(f), in light of the opposition of the secured lender which is not restricted from claiming a higher amount for its lien due to a purported failure to file a proof of claim and of the original borrowers who were apparently debtor's clients. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#12.00** Cont'd status conference re: Complaint for: (1) Declaratory Relief Regarding Alleged Standing Of Defendants Under Note And Deed Of Trust; (2) Declaratory Relief Regarding Purported Foreclosure Sale And Trustees Deed Upon Sale And Title To Real Property; (3) Declaratory Relief Regarding Unlawful Detainer Action; (4) Turnover Of Real Property; (5) Disallowance Of Any Claims Of JPMorgan Chase Bank, N.A.; (6) Violation Of Fair Debt Collection Practices Act  
fr. 5/1/18, 7/10/18, 8/28/18, 10/16/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 4/30/18. No tentative ruling on the merits. Appearances are required on 5/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/20/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. Off calendar. The court on its own motion continues the status conference to 3/20/18 at 3:00 p.m. A separate order is being entered. No appearances are required on 2/27/18.

Prior tentative ruling. The court has reviewed the joint status report and also notes on the case docket that there is a hearing on the motion of defendant JP Morgan Chase Bank, N.A. to dismiss plaintiff's amended complaint on 2/27/18 at 3:00 p.m., which may have an impact on scheduling in this adversary proceeding. Therefore, the court on its own motion continues the status conference to 2/27/18 at 3:00 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint. No appearances are required on 2/13/18.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Pro Se

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01035 Grand View Financial, LLC v. Nations Direct Mortgage, LLC et al

**#13.00** Cont'd status conference re: Complaint for: (1) Declaratory relief; (2) Disallowance of any claims of PennyMac Loan Services, LLC; and (3) Violation of fair debt collection practices act  
fr. 7/17/18, 10/2/18, 10/23/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Set a discovery cutoff date of 5/31/19 and a post-discovery status conference on 6/25/19 at 1:30 p.m. A joint status report is due on 6/18/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits. Appearances are required on 10/23/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/16/18. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference in light of pending settlement discussions, and the court on its own motion continues the status conference to 10/2/18 at 1:30 p.m. No appearances are required on 7/17/18. Counsel for plaintiff to notify counsel for defendants of the continuance.

Prior tentative ruling. The court has reviewed the joint status report suggesting that the status conference be continued until late May 2018 because the pleadings are not yet at issue. The court continues the status conference on its own motion to 6/5/18 at 1:30 p.m., and a further joint status report must be filed on or before 5/29/18. No appearances are required on 4/10/18. Counsel for plaintiff is to give notice to counsel for defendants.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, January 8, 2019

Hearing Room 1675

1:30 PM

CONT... Grand View Financial LLC

Chapter 11

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

|                                      |        |
|--------------------------------------|--------|
| Nations Direct Mortgage, LLC         | Pro Se |
| Mortgage Electronic Registration     | Pro Se |
| Fidelity National Title aka Fidelity | Pro Se |
| PennyMac Loan Services, LLC          | Pro Se |
| PennyMac Corp.                       | Pro Se |
| Massachusetts Mutual Life            | Pro Se |

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01241 Grand View Financial, LLC v. Harold R. Fuhrmann

**#14.00** Cont'd status conference re: Complaint for turnover of property of the estate  
[11 U.S.C. §542]  
fr. 10/2/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 1/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. Appearances are required on 10/2/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Harold R. Fuhrmann

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 8, 2019

Hearing Room 1675

1:30 PM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

**#15.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 7/17/18, 10/16/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Defendant(s):**

Shahriar Joseph Zargar

Pro Se

Shabnam Mesachi

Pro Se

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#16.00** Status conference re: Complaint for non-dischargeability of debtor under §523(a)(2)(A)

Docket 1

**Tentative Ruling:**

The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

Guadalupe L Cruz

Pro Se

Jose L Cruz

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Hearing Room 1675**

1:30 PM

**2:18-18266 Cynthia Diane Seten**

**Chapter 7**

**#17.00** Cont'd further order to show cause re: dismissal for failure to comply with Rule 1006(b)  
fr. 8/28/18, 10/23/18

Docket 31

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Appearances are required on 1/8/19.

No tentative ruling as of 10/22/18. Appearances are required on 10/23/18.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cynthia Diane Seten

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-20957 Raza Kazmi**

**Chapter 7**

Adv#: 2:18-01331 USC Credit Union v. Kazmi et al

**#18.00** Status conference re : Complaint for determination of non-dischargeability of debt  
(11 U.S.C. §523(a)(8))

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed plaintiff's unilateral status report noting that default has been entered against defendants. The court on its own motion continues the status conference to 3/26/19 at 1:30 p.m. to allow time for plaintiff to file a motion for default judgment. No appearances are required on 1/8/19.

**Party Information**

**Debtor(s):**

Raza Kazmi

Represented By  
Richard T Baum

**Defendant(s):**

Raza Kazmi

Pro Se

Maha Rehman

Pro Se

**Joint Debtor(s):**

Maha Rehman

Represented By  
Richard T Baum

**Plaintiff(s):**

USC Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01113 Diamond, Chapter 7 Trustee, Plaintiff v. Premier Rehabilitation Services, a

**#19.00** Cont'd pretrial conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 4/24/18, 5/29/18, 10/23/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/8/19 to 4/9/19 at 2:00 p.m. per stip & order entered on 11/14/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Continued by stipulation and order to 4/9/19 at 2:00 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 5/25/18. The court has reviewed the joint status report. Set a discovery cutoff date of 8/30/18, a pretrial conference for 10/23/18 at 2:00 p.m. and a deadline for filing a joint pretrial stipulation on 10/16/18. In the joint pretrial stipulation, the parties will need to address handling a bifurcated trial between claims to be tried before a jury in the district court and claims to be tried by the court in this court. Once the court approves the joint pretrial stipulation, the court will set a date for the court trial of the claims to be tried by this court and will make a referral of the jury triable claims to the district court. Appearances are required on 5/29/18 to discuss scheduling of further proceedings.

Prior tentative ruling as of 2/5/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 2/6/18 to discuss scheduling of further proceedings, including timing of amendment of pleadings, the proposed extended discovery cutoff date and the setting of a pretrial conference, but counsel may appear by telephone. Defendants have demanded a jury trial, but the court will defer referral of the jury triable claims to the district court for jury trial until the pretrial conference which this court will conduct (unless defendant successfully moves the district court to withdraw the reference). Plaintiff's potential postpetition transfer claims are

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

core claims within this court's jurisdiction and do not appear to be jury triable.

Prior tentative ruling as of 11/6/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 11/7/17 to discuss scheduling of further proceedings, including mediation completion, extended discovery cutoff date and trial, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. The court has reviewed the joint status report. No tentative ruling on the merits, but grant joint request to extend the discovery cutoff date to 9/30/17. Appearances are required on 8/29/17 to discuss scheduling of a pretrial conference and the second mediation, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 5/23/17 to discuss scheduling of further proceedings, including extension of discovery cutoff date to 6/30/17 and setting a date for a pretrial conference, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 3/21/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 12/31/16 and set a post-discovery status conference for 1/17/17 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 9/30/16 and to complete mediation by 1/17/17. Appearances are required on 5/3/16, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

Michael Jay Berger

**Defendant(s):**

Premier Rehabilitation Services, a Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7 Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR) Pro Se

Richard K Diamond (TR) Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-22265 Eduardo Molina**

**Chapter 7**

**#20.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Carolyn A. Dye, Chapter 7 Trustee]

Docket 29

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 1/8/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Eduardo Molina

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18181 Charmaine Renee McCracken**

**Chapter 7**

**#21.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Carolyn A. Dye, Chapter 7 Trustee]

Docket 28

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 1/8/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Charmaine Renee McCracken

Represented By  
David Lozano

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21682 Jose Marin Soriano Equigua and Maria Ofelia Soriano**

**Chapter 7**

**#22.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Keide Kurtz, Chapter 7 Trustee]

Docket 42

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 1/8/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose Marin Soriano Equigua

Represented By  
Cynthia Grande

**Joint Debtor(s):**

Maria Ofelia Soriano

Represented By  
Cynthia Grande

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24369 Marvin Abel Sican Roca and Angelica Maria Rodriguez**

**Chapter 7**

**#23.00** Hearing re: Trustee's omnibus motion objecting to claim nos 18-19 filed by Chase Bank USA N.A.

Docket 50

**Tentative Ruling:**

Grant trustee's motion objecting to claims numbers 18 and 19 for the reasons stated in the moving papers and for lack of timely written opposition and disallow the claims as timely filed claims, but allow such claims as tardily filed claims which may be entitled to a distribution pursuant to 11 U.S.C. 726(a)(3).  
Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Marvin Abel Sican Roca

Represented By  
Daniel King

**Joint Debtor(s):**

Angelica Maria Rodriguez

Represented By  
Daniel King

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Zi Chao Lin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#24.00** Hearing re: Motion for partial summary judgment on the fourth cause of action

Docket 35

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/8/19 to 3/12/19 at 2:30 p.m.  
per order entered on 1/3/19-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion to 3/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 8, 2019

Hearing Room 1675

2:30 PM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#25.00** Hearing re: Behrouz Shadsirat's motion seeking approval for the debtor to pay post-petition payments to the discovery referee in relation to the pending state court lawsuit [Van Nuys State Court Action]

Docket 129

**Tentative Ruling:**

Deny creditor's motion seeking approval for debtors to pay postpetition payments to the state court discovery referee because creditor lacks standing to seek such relief and has not cited proper legal authority for such relief. Creditor lacks standing to compel debtors to incur administrative expense on behalf of the estate, which is governed by 11 U.S.C. 363. Here, debtors are not seeking to incur such expense through use of estate property under 11 U.S.C. 363. 11 U.S.C. 105(a), 1107 and 1108 do not support creditor's motion because 11 U.S.C. 105(a) is not "a roving commission to do equity or to do anything not consistent with the Bankruptcy Code," In re Van Ness, 399 B.R. 897, 903 (Bankr. E.D. Cal. 2009), citing inter alia, Norwest Bank Worthington v. Ahlers, 485 U.S. 197, 206 (1988), and 11 U.S.C. 1107 and 1108 relate to the rights and powers of debtors in possession, not of creditors, to act on behalf of the estate. It may be that the state court might compel debtors to pay the referee's fees in the state court litigation, which may not be subject to the automatic stay, but the court need not decide that issue now. See In re Dingley, 852 F.3d 1143, 1146-1149 (9th Cir. 2017). The court does not agree with debtors' argument that the motion should be denied because the state court referee has not been employed as an estate professional under 11 U.S.C. 327 subject to the compensation rules of 11 U.S.C. 330 because the state court and its officers, including the referee, are acting under color of state law in proceeding in the state court litigation for which stay relief has been granted. Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 8, 2019

Hearing Room 1675

2:30 PM

2:18-15217 Melody Shabpareh

Chapter 7

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

#26.00 Hearing re: Motion to vacate the default judgment pursuant to rules of civil procedure

Docket 21

**Tentative Ruling:**

Defendant Nelnet moves to vacate default judgment pursuant to Federal Rules of Civil Procedure 55 and 60. However, only Rule 55 is applicable since only default, and not default judgment, has been entered. In order to set aside default on the ground of "good cause" under Federal Rule of Bankruptcy Procedure 55, making Federal Rule of Civil Procedure 55(c) applicable to this adversary proceeding, defendant must show good cause that his neglect in not responding to the complaint timely was excusable based on all the relevant circumstances, including whether there would be prejudice to the nondefaulting party, whether the defaulting party has a meritorious defense and whether the defaulting party has engaged in culpable conduct. 1 O'Connell, Stevenson and Phillips, *Rutter Group Practice Guide: Federal Civil Procedure Before Trial*, ¶6:139 – 6:142 at 6-40 – 6-42 (2018), citing *inter alia*, *Franchise Holding II, LLC v. Huntington Restaurants Group, Inc.*, 375 F.3d 922, 925-927 (9<sup>th</sup> Cir. 2004). While Nelnet's conduct in not responding to the complaint timely was culpable due to its negligence in handling its mail internally, having received the summons and complaint with sufficient time to respond, the other two factors outweigh the culpability factor to warrant relief. First, Nelnet appears to have a meritorious defense in that it is only the servicer of the loan and not the holder of the beneficial interest, and thus, any relief granted to plaintiff as to Nelnet is ineffective in discharging the loan debt. Second, there is no prejudice to plaintiff in granting relief because if Nelnet is right about it only being the servicer, any judgment obtained by plaintiff against it is worthless and void because it is not the holder of the beneficial interest in the loan. Thus, it would make sense to allow Nelnet to defend and test its defense of lack of interest in the loan, so that plaintiff can sue the proper party defendant, which appears to be the Department of Education as alleged by Nelnet. Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Melody Shabpareh**

**Chapter 7**

**Debtor(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Defendant(s):**

NELNET EDUCATION LOAN

Represented By  
Jonathan C Sandler

**Plaintiff(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23937 Marcela Nicole Ticas**

**Chapter 7**

**#27.00** Order to show cause re: dismissal for failure to comply with Rule 1006(b)

Docket 11

**\*\*\* VACATED \*\*\* REASON: Full payment received on 1/4/19 - mb.**

**Tentative Ruling:**

Off calendar. The court withdraws the order to show cause and vacates the hearing because debtor has complied with Federal Rule of Bankruptcy Procedure 1006(b) and paid the fee. No appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                      |        |
|----------------------|--------|
| Marcela Nicole Ticas | Pro Se |
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**Trustee(s):**

|                         |        |
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| Edward M Wolkowitz (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Debtor's emergency motion for approval and entry of stipulated order providing for professional fee carve out fr. 12/14/18

Docket 136

**Tentative Ruling:**

Since it appears that there is a dispute between the parties in interest regarding whether the professional fee carveout would work a subordination of GemCap's second priority lien in the real property collateral or a dilution of the claims of other priority claimants, such as reclamation creditor Associated Feed & Supply Co., Inc. , it would be helpful to the court if the stipulating parties indicate where in the record are the facts showing the equity to which first priority Great Rock's lien attaches in the real property collateral, and the lien amount. Alternatively, the court might schedule a short proveup hearing to establish the value of the equity subject to Great Rock's first priority lien in the real property collateral to show the alleged lack of impairment of GemCap's lien or dilution of other priority claimants such as Associated Feed & Supply. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Emergency application of debtor and debtor-in-possession to employ Stapleton Group as chief restructuring officer pursuant to 11 U.S.C. §§ 327 and 330 fr. 11/30/18, 12/6/18, 12/14/18

Docket 104

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 12/21/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Motion withdrawn by notice filed on 12/21/18, No appearances are required on 1/9/19.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/14/18, but counsel may appear by telephone.

No tentative ruling as of 12/3/18. Appearances are required on 12/6/18, but counsel and applicant may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#3.00** Cont'd order to show cause why debtor Gary Wayne Barker, Sr., and/or his attorney Dennis McGoldrick should not be sanctioned for failure to appear at the October 17, 2018 post confirmation status conference fr. 12/5/18, 12/12/18, 12/19/18

Docket 229

**Tentative Ruling:**

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/28/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#4.00** Cont'd hearing re: Application to convert case to chapter 7 based upon debtor's failure to comply with prior court order  
fr. 12/5/18, 12/12/18, 12/19/18

Docket 232

**Tentative Ruling:**

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#5.00** Hearing re: Motion for a final decree, final report, and discharge

Docket 244

**Tentative Ruling:**

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker**

**Chapter 11**

**#6.00** Cont'd status conference re: Post confirmation of plan  
fr. 12/5/18, 12/12/18, 12/19/18

Docket 123

**Tentative Ruling:**

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits, but debtor will need to address the notice of delinquency filed by the United States Trustee and to state when he will be filing a motion for entry of final decree. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Gary Wayne Barker**

**Chapter 11**

Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits.  
Appearances are required on 5/23/18, but counsel may appear by telephone.

Updated tentative ruling as of 2/12/18. The court has reviewed debtor's status report. Debtor will need to address the notice of delinquency in filing United States Trustee reporting requirements filed on 1/2/18. Appearances are required on 2/13/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/16/17. No tentative ruling on the merits.  
Appearances are required on 10/18/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/11/17. Appearances are required on 9/13/17, but counsel may appear by telephone.

Updated tentative ruling as of 7/10/17. No tentative ruling on the merits.  
Appearances are required on 7/12/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/17. No tentative ruling on the merits.  
Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits.  
Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits.  
Appearances are required on 1/25/17, but counsel may appear by telephone.

Updated tentative ruling as of 10/17/16. The court has reviewed debtor's status report and declaration and exhibits attached thereto. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Debtor to explain whether the checks attached to his declaration filed on 9/16/16 have brought the plan entirely current. Appearances are required on 9/21/16,



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**CONT... Gary Wayne Barker**

**Chapter 11**

but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 3/7/16. Appearances are required on 3/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 2/1/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 2/3/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 11/23/15. The court has reviewed debtor's post-confirmation status report. Appearances are required on 11/25/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/25/15. Appearances are required on 8/26/15, but counsel may appear by telephone.

Prior tentative ruling as of 4/13/15. Off calendar. The court has reviewed debtor's post-confirmation status report and sets a further status conference on its own motion to 8/26/15 at 11:00 a.m. A further status report is due 8/21/15. No appearances are required on 4/15/15.

Prior tentative ruling as of 1/26/15. Off calendar. The court has reviewed debtor's post-confirmation status report and continues the status conference on its own motion to 4/15/15 at 11:00 a.m. A further status report is due 4/8/15. No appearances are required on 1/28/15.

Prior tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 7/21/14. Appearances are required on 7/23/14, but counsel may appear by telephone.

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**Chapter 11**

Prior tentative ruling as of 7/8/14. No tentative ruling on the merits. Appearances are required on 7/9/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's post-confirmation status report and continues the status conference to 5/7/14 at 11:00 a.m. No appearances required on 11/6/13, but a further status report is due on 4/30/14.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E Mcgoldrick

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**2:13-28671 Elbiali Ismail Osman**

**Chapter 11**

**#7.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 6/14/17, 8/16/17, 4/11/18

Docket 298

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to report on the status of plan performance, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits. Appearances are required on 4/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/14/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/16/17, but counsel may appear by telephone.

No updated tentative ruling as of 6/13/17. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/13/16. No tentative ruling on the merits, but debtor should address why a postconfirmation status report was not timely filed as ordered by the court on 10/18/16. Appearances are required on 12/14/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Elbiali Ismail Osman

Represented By

Carlos F Negrete - INACTIVE -

Alan W Forsley

Robert G Uriarte

Raymond H. Aver

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**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion to dismiss chapter 11 bankruptcy  
fr. 9/19/18, 10/17/18, 11/7/18

Docket 118

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 10/17/18. The court retracts its tentative ruling of 10/16/18 because it has authorized debtors to respond orally to the supplemental brief of creditors by time of continued hearing, and to file a written response. Appearances are required on 10/17/18, but the prior tentative ruling on 10/15/18 remains the same.

Updated tentative ruling as of 10/16/18. Debtors filed a surreply brief and request for judicial notice of new matters on 10/15/18, which are not authorized under the court's local rules and for which debtors did not request leave of court to file, and the court will disregard these papers for purposes of the hearing on 10/17/18. Creditors need not respond to debtors' surreply or request for judicial notice at the hearing on 10/17/18, though the court might consider them as debtors' trial brief for the trial that will be set on this contested matter. Otherwise, the court's tentative ruling posted on 10/10/18 will apply.

Prior tentative ruling as of 10/15/18. The court will treat the hearing as a status conference because there are material factual disputes raised by the motion which is a contested matter under Federal Rule of Bankruptcy Procedure 9014 relating to debtors' good faith in filing this case which require an evidentiary hearing to resolve. The court will schedule an evidentiary hearing at the status conference, and the court requests that counsel appear telephonically rather than appear in person to minimize litigation costs.

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

Regarding the contentions of debtors, the court is of the view that the motion is not untimely and there is no bar of laches because it seems that at any time in this case, parties in interest can move for dismissal, particularly, preconfirmation, that the motion is not a litigation tactic by creditors to gain advantage in the state court, and that debtors can reorganize and confirm a plan is not an undisputed fact and remains to be seen.

Regarding the contentions of creditors, the court is of the view that debtors could propose a confirmable plan through a combination of income and asset sales, particularly as creditors acknowledge that debtors have property equity of over \$1.1 million to fund a plan, that denial of confirmation of the currently proposed plan does not necessarily mean that debtors could not later propose an amended plan that is confirmable, that creditors' opposition to a plan does not necessarily mean that a plan absolutely be confirmed under the cramdown standards of 11 U.S.C. 1129(b), provided that debtors find a way to meet the requirements of the absolute priority rule or qualify for an exemption to the rule, and that whether this is a two-party dispute is a disputed issue of material fact relating to good faith of debtors in filing this case.

If creditors are pressing their motion, the court will ask them for dates for an evidentiary hearing on the disputed material issues of fact, or these issues can be litigated in connection with plan confirmation relating to the disclosure statement and proposed plan now pending.

Appearances are required on 10/17/18, but counsel may and should appear by telephone.

Prior tentative ruling as of 9/17/18. Appearances are required on 9/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard  
David R Haberbusch

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

Vanessa M Haberbush  
Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard  
David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

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**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#9.00** Cont'd hearing re: Application to employ The Law Offices of Brian H. Cole as Special Franchise Law Counsel  
fr. 9/19/18, 10/17/18, 11/7/18

Docket 116

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. The court is inclined to trail the hearing on the application to employ until the court rules on creditor's motion to dismiss. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion continues the hearing on the application to employ special litigation counsel to the date and time of the hearing on creditor's motion to dismiss the bankruptcy case on 9/19/18 at 2:30 p.m. as a status conference on the application. Most likely, creditor's motion to dismiss is a contested matter under FRBP 9014 and may require an evidentiary hearing which the court will set at the hearing on 9/18/18, and the hearing on the employment application will trail the hearing on the motion to dismiss since granting of the motion to dismiss will moot out the application. No appearances are required on 8/29/18. Debtor to notify applicant of the continuance.

**Party Information**

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman



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**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#10.00** Cont'd hearing re: Motion for order: (1) approving the adequacy of debtors' chapter 11 disclosure statement describing chapter 11 plan of reorganization; (2) authorizing debtors to solicit acceptances/rejections of their chapter 11 plan of reorganization; (3) to set a hearing re: confirmation of chapter 11 plan of reorganization; and (4) fixing a deadline for the holders of claims to accept or reject the proposed chapter 11 plan of reorganization  
fr. 11/7/18

Docket 135

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1) insufficient legal justification for separately classifying business and "consumer" unsecured claims; (2) insufficient justification for property valuations set forth in liquidation analysis; (3) insufficient justification for 30% capital gains tax burden in liquidation analysis. Appearances are required on 11/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

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**CONT...**

**Paul Bodeau and Sandra Bodeau**

David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

**Chapter 11**

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**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/11/18, 10/17/18, 11/7/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report indicating that debtor and creditor Oggi's Pizza & Brewing Co. have indicated a willingness to ask a settlement conference before a judicial officer. The court was thinking of asking Visiting Bankruptcy Judge Gregg Zive to act as a settlement judge because in the court's view, he would have the ideal temperament for this case, and he may be available in early December or early February to conduct a settlement conference. Otherwise, no tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court has reviewed debtors' status report, and the court is inclined to set a further status report in 90 days. No tentative ruling on the merits. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

tentative ruling on the merits. Appearances are required on 11/15/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard

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**2:17-17761 Paul Bodeau**

**Chapter 11**

Adv#: 2:17-01455 Oggi's Pizza and Brewing Company v. Bodeau et al

**#12.00** Cont'd status conference re: Removal of state court action to bankruptcy court and filing of underlying pleadings  
fr. 7/17/18, 10/23/18, 11/7/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. Off calendar. At the hearing on creditor's motion to dismiss on 10/17/18, the court continued the pretrial conference to 11/7/18 at 11:00 a.m. as a status conference. No appearances are required on 10/24/18.

Prior tentative ruling as of 7/16/18. The court has reviewed the joint status report. Appearances are required on 7/17/18 to discuss the status of the mediation, timing of expert witness discovery and scheduling of pretrial conference and trial. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/4/17. The court has reviewed the joint status report. Set a discovery cutoff date of 6/30/18 and a further postdiscovery status conference for 7/17/18 at 1:30 p.m. with a joint status report due on 7/10/18. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 1/31/18 and complete mediation by 7/17/18. Appearances are required on 12/5/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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**CONT... Paul Bodeau**

**Chapter 11**

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/3/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Defendant(s):**

Paul Bodeau

Pro Se

Sandra Bodeau

Pro Se

Kevin Michael Bodeau

Pro Se

Bodeau Enterprises

Pro Se

DOES 1-50

Pro Se

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Plaintiff(s):**

Oggi's Pizza and Brewing Company

Represented By

Louis H Altman

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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#13.00** Cont'd hearing re: Motion to set aside default and default judgment  
fr. 11/27/18, 12/11/18

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/9/19 to 2/12/19 at 2:30 p.m.  
per oder entered on 1/3/19-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion to 2/12/19 at 2:30 p.m. by  
order filed and entered on 1/3/19. No appearances are required on 1/9/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Represented By  
William Charles Tanenbaum

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

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11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#14.00** Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1  
fr. 10/16/18, 11/27/18, 12/11/18

Docket 15

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/9/19 to 2/12/19 at 2:30 p.m.  
per oder entered on 1/3/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Continued on the court's own motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

Prior tentative ruling. Grant plaintiff's motion for default judgment for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 10/16/18

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold



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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#15.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 10/23/18, 11/27/18, 12/11/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/9/19 to 2/12/19 at 2:30 p.m.  
per order entered on 1/3/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Continued on the court's own motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

Prior tentative ruling as of 10/22/18. Off calendar. The court on its own motion continues the status conference to 11/27/18 at 2:30 p.m. to be conducted with the continued hearing on plaintiff's motion for default judgment and defendant's motion to set aside default. No appearances are required on 10/23/18.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

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**CONT... Grand View Financial LLC**

**Chapter 11**

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

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**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#16.00** Hearing re: Motion for appointment of a chapter 11 trustee

Docket 85

**Tentative Ruling:**

Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

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**2:18-23136 Azca Props, LLC**

**Chapter 11**

**#17.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Azca Props, LLC

Represented By  
Marc A Goldbach

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**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#18.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

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11:30 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#19.00** Cont'd hearing re: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code fr. 11/14/18, 12/5/18, 12/19/18

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a

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**CONT... Advance Specialty Care, LLC**

**Chapter 11**

confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 9, 2019**

**Hearing Room 1675**

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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#20.00** Status conference re: Debtor's motion for the entry of an order: (1) approving the sale of real property free and clear of all liens, claims, encumbrances, and interests, with the exception of enumerated exclusions, subject to overbid, (2) finding that the buyer is good faith purchaser, (3) approving bidding procedures and break-up fee, (4) authorizing and approving the payment of certain claims from sale proceeds, and (5) waiving the fourteen-day stay period set forth in Bankruptcy Rule 6004(h) fr. 11/28/18, 12/5/18, 12/12/18

Docket 337

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

No tentative ruling as of 11/27/18. Appearances are required on 11/28/18.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**2:18-17263 8800 LLC**

**Chapter 11**

**#21.00** CONTD TRIAL RE: Motion of debtor to assume lease  
fr. 10/3/18, 10/25/18

Docket 67

**Tentative Ruling:**

Revised updated tentative ruling as of 1/8/19. The court is still deliberating on the motion after the evidentiary hearing, but intends to announce its ruling by the deadline of 1/18/19. No tentative ruling on the merits. The court expects to continue the hearing to 1/16/19 at 11:00 a.m. at which time other matters in this case are noticed for hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior Updated tentative ruling as of 10/22/18. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 10/25/18.

Revised tentative ruling as of 10/1/18 at 6:00 p.m.:

Treat motion to assume lease as a contested matter under FRBP 9014 because there are disputed issues of material fact that may require an evidentiary hearing to resolve (including debtor's status as tenant in fact as opposed to being listed on the lease, whether landlord validly invoked the recapture provisions of the lease, whether debtor has the ability to perform the lease if assumed) and treat hearing as a status conference to schedule further pretrial and trial proceedings. See *In re Gentile Family Industries*, 2014 WL 4091001 (9th Cir. BAP 2014)(acknowledging but not deciding whether the Ninth Circuit's decision in *In re G.I. Industries, Inc.*, 204 F.3d 1276 (9th Cir. 2000), citing, *In re Orion Pictures Corp.*, 4 F.3d 1095 (2nd Cir. 1993), should be broadly or narrowly construed; see also, *In re Miller*, 2016 WL 1316763 (Bankr. D. Mont. 2016)(narrowly construing *G.I. Industries* to rejection of an executory contract or lease). The court is inclined to agree with Debtor that the applicable rule is the two-step analysis for determining whether a lease may be assumed under 11 U.S.C. 365 set forth in *In re Waterkist Corp.* 775 F.2d 1089 (9th Cir. 1985) and *In re Windmill Farms, Inc.*,

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CONT...

**8800 LLC**

**Chapter 11**

841 F.2d 1467 (9th Cir. 1988). Landlord argues that G.I. Industries, following Orion Pictures, having a circumscribed view of the analysis of a motion to assume or reject a contract applies here, but that would mean that G.I. Industries impliedly overruled the two-part rule in Waterkist Corp. Landlord argues that G.I. Industries governs because it is a later pronouncement by the circuit, but that may not be right because it generally takes an en banc panel decision to overrule the case precedent of a prior circuit panel and arguably, the two-part rule involves a narrow, specific issue of lease assumption rather than general issue of assumption or rejection of executory contracts, and thus, the specific takes precedence over the general. The court hesitates to reach a conclusion on whether Waterkist was overruled by G.I. Industries in some fashion since this has not been adequately briefed by the parties and the court's research is preliminary and incomplete. However, the state of the case law in the circuit may be in flux as shown by the BAP's unpublished decision in Gentile Family Industries referring both to G.I. Industries and Windmill Farms, but not to the two-rule rule specifically. Since the motion for the assumption of the lease is important to the parties, and perhaps decisive of debtor's reorganization prospects, it makes sense to decide the motion in a contested matter to resolve factual issues. The court understands Landlord prefers deciding the contract dispute issues in state court as indicated in its stay relief and remand motions, but it seems that the court has jurisdiction to decide such issues in a contested matter or adversary proceeding related to lease assumption. The court's approach in In re Belasco Unlimited Corp., No. 2:14-bk-26546-BR Chapter 11 (Bankr. C.D. Cal., findings of fact and conclusions of law after evidentiary hearing on motion to assume lease, filed and entered on April 8, 2015) is illustrative and is consistent with the holding in Gentile Family Industries.

Tentative rulings on TMC Realty, Inc.'s evidentiary objections to the declaration of Alan Nathan:

Objection #1 (page: line(s) 37:6-10): Overrule.

Objection #2 (39:13-15): Overrule.

Objection #3 (39:19-21): Sustain - lack of foundation.

Objection #4 (39:25-26): Sustain - lack of foundation.

Objection #5 (40:6-10): Sustain - improper opinion.

Objection #6 (40:18-22): Sustain as to phrases "In contravention of the

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CONT... 8800 LLC

Chapter 11

Lease" and "improperly and prematurely"- improper opinion, otherwise overrule.

Objection #7 (40:25-27): Sustain - lack of foundation, improper opinion.

Objection #8 (41:15-17): Sustain - lack of foundation, improper opinion.

Objection #9 (41:26-27): Sustain - improper opinion.

Objection #10 (42:13-17): Sustain - improper opinion.

Objection #11 (43:21-23): Sustain as to phrase "and gave express consent for the Debtor to possess and operate at the Premises under the Lease" - improper opinion, otherwise overrule.

Objection #12 (44:13-16): Sustain - improper opinion.

Objection #13 (44:17-21): Sustain - improper opinion.

Objection #14 (44:22-26): Sustain - improper opinion.

Objection #15 (46:21-47:2): Sustain - improper opinion.

Objection #16 (48:14-18): Sustain as to sentence, "As set forth above, the Debtor's financial problems were precipitated, in-part, by the Landlord's demand and actions to prematurely and improperly terminate the Lease." - improper opinion. Sustain as to sentences, "However, Debtor is operating profitably. Attached as 'Exhibit 14 hereto is the Debtor's projection of income and expenses through September 30, 2023. These projections show that the Debtor can satisfy its future obligations under the Lease." - lack of foundation.

The court comments that Mr. Nathan's improper opinions are disguised arguments which are not relevant and best left to counsel in briefing and that Debtor will need to provide a factual foundation for Mr. Nathan's testimony about the preparation of the Debtor's financial projections (i.e., describing who made the projections, what data was relied upon for the projections and what reasonable assumptions were made for such projections).

Appearances are required on 10/3/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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2:18-17263 8800 LLC

Chapter 11

**#22.00** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 9/11/18, 10/3/18, 10/25/18

8800 Sunset Boulevard  
West Hollywood, California 90069  
Ground Floor Restaurant Space and Adjacent Patio (aka Estrella)

Docket 35

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these factors are closely related to those that a bankruptcy court must consider in deciding to exercise permissive abstention under 28 U.S.C. §1334( c)(1). 311 B.R. at 558 and n. 13, *citing inter alia*, *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:

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Los Angeles  
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CONT... 8800 LLC

Chapter 11

**1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). The Landlord's unlawful detainer action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.

**2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed unlawful detainer action of Landlord was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to Landlord's state law claim.

**3. The difficulty or unsettled nature of the applicable law.** This factor is neutral because the Landlord's unlawful detainer action does not involve law which is difficult or unsettled in nature.

**4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.** This factor favors stay relief because Landlord's unlawful detainer action was filed in state court and a trial date

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Chapter 11

was set in that action, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*, 124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.** This factor favors stay relief because Landlord's unlawful detainer is noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). (Landlord has not filed a proof of claim which would be a core proceeding relating to the same substantive claim. *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1021 (9<sup>th</sup> Cir. 2012). *See also, Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Landlord's unlawful detainer action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. § 1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.** This factor does not favor stay relief because if Debtor is not able to assume the lease, Debtor will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.** This factor favors stay relief. Landlord's unlawful detainer action as stated above is noncore. However, as also noted above, the outcome of the unlawful detainer action which is related to the lease will have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.** This factor does not favor stay relief because the unlawful detainer action and the bankruptcy law matter of lease assumption are interrelated.

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**9. The burden on the bankruptcy court's docket.** This factor is neutral.

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the unlawful detainer action to this court after a trial was set in state court in that action.

**11. The existence of a right to a jury trial.** This factor does not favor stay relief. Landlord does not have a right to jury trial on its unlawful detainer action or on Debtor's intended lease assumption motion.

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in these actions.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of the unlawful detainer action will substantially impact Debtor's ability to effectively reorganize and that litigation of the removed action and related bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d at 1022-1023.

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| <b>Party Information</b> |
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**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong



**United States Bankruptcy Court  
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2:18-17263 8800 LLC

Chapter 11

**#23.00** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 9/11/18, 10/3/18, 10/25/18

TMC Realty, LLC v. 8800 Sunset, LLC and 8800 LLC  
LASC Case Number SC129282

Docket 34

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these factors are closely related to those that a bankruptcy court must consider in deciding to exercise permissive abstention under 28 U.S.C. §1334(c)(1). 311 B.R. at 558 and n. 13, *citing inter alia*, *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:



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8800 LLC

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**1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). Debtor's breach of lease action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.

**2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed breach of lease action of Debtor was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to the lease.

**3. The difficulty or unsettled nature of the applicable law.** This factor is neutral because Debtor's breach of lease action does not involve law which is difficult or unsettled in nature.

**4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.** This factor favors stay relief because Debtor's breach of lease was filed in state court, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*,

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124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.** This factor favors stay relief because Debtor's breach of lease claims are noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). *See also, Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Debtor's breach of lease action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. §1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.** This factor does not favor stay relief because if Debtor's claims are related to its intended motion to assume the lease, without which it will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.** This factor favors stay relief. Debtor's breach of lease action as stated above is noncore. However, as also noted above, the outcome of this action which is related to the lease may have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.** This factor does not favor stay relief because Debtor's breach of lease action and the bankruptcy law matter of lease assumption appear to be interrelated.

**9. The burden on the bankruptcy court's docket.** This factor is neutral.

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This

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factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the breach of lease action to this court after a trial in Landlord's related unlawful detainer action was set in state court.

**11. The existence of a right to a jury trial.** This factor favors stay relief. Landlord probably has a right to a jury trial on Debtor's breach of lease action against it, though Landlord can exercise any rights to a jury trial in that action pursuant to Fed. R. Bankr. P. 9015 and Fed. R. Civ. P. 38(b).

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in the removed action.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of Debtor's breach of lease claims may substantially impact Debtor's ability to effectively reorganize because it is related to its bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1022-1023 (9<sup>th</sup> Cir. 2012).

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 9, 2019**

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**2:18-17263 8800 LLC**

**Chapter 11**

**#24.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/11/18, 10/3/18, 10/25/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits.  
Appearances are required on 9/12/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:18-17263 8800 LLC**

**Chapter 11**

Adv#: 2:18-01237 TMC Realty, LLC v. 8800 Sunset LLC et al

**#25.00** Cont'd status conference re: Removal Of Civil Action Under 28 U.S.C. § 1452(a)  
fr. 9/11/18, 10/3/18, 10/25/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Updated tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

No tentative ruling as of 9/10/18. Appearances are required on 9/11/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**Defendant(s):**

8800 Sunset LLC

Represented By  
Jeffrey S Kwong  
Martin J Brill  
David B Golubchik

8800 LLC

Represented By  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... 8800 LLC**

**Chapter 11**

Martin J Brill  
David B Golubchik

**Plaintiff(s):**

TMC Realty, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Hearing Room 1675**

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**2:18-18999 John Donald Marshall**

**Chapter 7**

**#26.00** Cont'd order to show cause re debtor's failure to file Certificate of Credit Counseling fr. 9/11/18, 10/23/18, 11/27/18

Docket 10

**\*\*\* VACATED \*\*\* REASON: Debtor filed the Certificate of Credit Counseling on 11/27/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. The court vacated the hearing and withdrew the order to show cause after debtor filed his certificate of credit counseling. No appearances are required on 1/9/19.

Prior tentative ruling as of 10/22/18. While debtor has filed a certificate of completion of financial management course, he still has not filed a certification of completion of credit counseling, which is a separate requirement. Appearances are required on 10/23/18.

No tentative ruling as of 9/10/18. While debtor has filed a certificate of completion of financial management course, he still has not filed a certification of completion of credit counseling, which is a separate requirement. Appearances are required on 9/11/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                      |        |
|----------------------|--------|
| John Donald Marshall | Pro Se |
|----------------------|--------|

**Trustee(s):**

|                  |        |
|------------------|--------|
| Heide Kurtz (TR) | Pro Se |
|------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(Wells Fargo Bank, N.A. VS Debtor)

Docket 161

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23660 Gina A Alexander**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Gina A Alexander

Represented By  
James Geoffrey Beirne

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24300 Jose D Ramirez**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(AmeriCredit Financial Services, Inc. dba GM Financial VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose D Ramirez

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(SIX P.I.D. Inc. VS Debtor)  
fr. 12/18/18

ACTION IN NON-BANKRUPTCY FORUM RE: 3217 Acalanes Avenue,  
Lafayette, California

Docket 348

**Tentative Ruling:**

Updated tentative ruling as of 1/14/18. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and 105(a) to pursue non-bankruptcy remedies and for in rem relief for reasons stated in the moving papers that debtor and prior borrowers purported to encumber the subject property to delay and hinder the prior lender who foreclosed on the property, that movant was the bona fide purchaser at the foreclosure sale, that the filing of debtor's bankruptcy petition may have the effect of delaying or hindering movant's right to possession of the subject property and that it would be an abuse of judicial process for the automatic stay in this case to delay or hinder movant's right to possession of the subject property, and for lack of opposition by debtor, except as to a finding that it filed the bankruptcy case in bad faith, a finding that any claims in the state court litigation are nondischargeable or a finding that movant has an allowed claim in this case.

As to debtor's limited opposition, the court does not make a finding that the debtor filed this bankruptcy case in bad faith, the court does not make any finding that any claims in the state court litigation are nondischargeable and the court does not make a finding that movant has an allowed claim in this case.

Movant's requests for extraordinary relief in paragraphs 7 and 8 of the prayer for relief in the motion are denied because there are no reasonable bases in fact and law for requesting such relief here. See *In re Van Ness*, 399 B.R.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

897 (Bankr. E.D. Cal. 2009). With respect to movant's request for stay annulment, the court denies the request because although movant recites the relevant factors stated in *In re Gasprom, Inc.*, 500 F.3d 607 (9th Cir. 2013), it does not show how such factors apply to this case by discussing the particular facts of this case and how they relate to these factors, specifically, whether movant knew of the stay but nonetheless took action, and how quickly movant moved for annulment, and after learning of the bankruptcy, whether movant proceeded to take steps in continued violation of stay or whether it moved expeditiously to gain relief, weighing of the extent of prejudice to movant or third parties if stay relief is not made retroactive. It is not clear why stay annulment is needed here because movant obtained a writ of possession prepetition, which is not in violation of stay in this case, and apparently just needs to enforce its writ. Movant has not explain what acts it took in violation of stay that it needs stay annulment to validate. As to seeking retroactive annulment to 6/20/16 before the filing of this case on 8/17/17, the court lacks jurisdiction to annul a stay that did not exist before this case, and to the extent that movant is seeking an order of this court to invalidate a stay in another case not before this court, the court lacks jurisdiction to do so.

Movant's claim for stay relief under 11 U.S.C. 362(d)(4) is denied because a purchaser at a foreclosure sale like movant lacks standing to seek in rem relief under 11 U.S.C. 362(d)(4). *In re Ellis*, 523 B.R. 673, 678-680 (9th Cir. BAP 2014).

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling. The court does not see the factual and/or legal bases for movant's requests for extraordinary relief in paragraphs 7 and 8 of the prayer for relief in the motion, and the court will require movant to file a supplemental brief to show that there are reasonable bases in fact and law for requesting such relief. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

Movant does not provide the legal and/or factual support for the request for

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

extraordinary relief in paragraph 7 requesting any stay relief order is binding and effective in any future bankruptcy case, no matter who the debtor is. There is persuasive contrary authority not addressed in the moving papers. In re Van Ness, 399 B.R. at 905-907.

Movant does not provide the legal and/or factual support for the request for extraordinary relief in paragraph 8 requesting retroactive relief as to all bankruptcy cases filed affecting the property retroactive to 6/20/16, which raises procedural due process issues for the court purporting to act in other bankruptcy cases.

Movant does not provide the legal and/or factual support for the request for retroactive stay annulment because it has failed to show that the legal standards of National Environmental Waste Corp. v. City of Riverside (In re National Environmental Waste Corp.), 129 F.3d 1052 (9th Cir. 1997) and In re Gasprom, Inc., 500 B.R. 598 (9th Cir. BAP 2013) have been met.

Movant does not provide the legal and/or factual support for the request for extraordinary relief in paragraph 8 requesting in rem stay relief under 11 U.S.C. 362(d)(4). There is persuasive, if not controlling, contrary authority not addressed in the moving papers indicating that a purchaser at a foreclosure sale like movant lacks standing to seek in rem relief under 11 U.S.C. 362(d)(4). In re Ellis, 523 B.R. 673, 678-680 (9th Cir. BAP 2014).

In order for the court to grant extraordinary relief requested by movant, the court will need to determine that there are factual and legal bases for such relief, which are not evident in the motion. The supplemental brief will be due on 1/8/19, one week before a continued hearing on 1/15/19 at 11:00 a.m.

The court would consider granting in rem relief under 11 U.S.C. 362(d)(1) and 11 U.S.C. 105(a) on a prospective basis only, but movant may be able to show entitlement to retroactive stay annulment relief as discussed above. The court does not make a finding that the petition was filed in bad faith for lack of sufficient evidence or that the claims are nondischargeable because stay relief proceedings are summary in nature and do not go to the merits of the claims. Otherwise, no tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

Appearances are required on 12/18/18, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#5.00** Cont'd hearing re: Motion for relief from stay  
(SIX P.I.D. Inc. VS Debtor)  
fr. 12/18/18

REAL PROPERTY RE: 3217 Acalanes Avenue,  
Lafayette, California

Docket 349

**Tentative Ruling:**

Updated tentative ruling as of 1/14/18. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (d)(2) 105(a) to pursue non-bankruptcy remedies and for in rem relief for reasons stated in the moving papers that debtor and prior borrowers purported to encumber the subject property to delay and hinder the prior lender who foreclosed on the property, that movant was the bona fide purchaser at the foreclosure sale, that the filing of debtor's bankruptcy petition may have the effect of delaying or hindering movant's right to possession of the subject property and that it would be an abuse of judicial process for the automatic stay in this case to delay or hinder movant's right to possession of the subject property, and for lack of opposition by debtor, except as to a finding that it filed the bankruptcy case in bad faith, a finding that any claims in the state court litigation are nondischargeable or a finding that movant has an allowed claim in this case.

As to debtor's limited opposition, the court does not make a finding that debtor filed this bankruptcy case in bad faith, the court does not make any finding that any claims in the state court litigation are nondischargeable and the court does not make a finding that movant has an allowed claim in this case.

Movant's requests for extraordinary relief in paragraphs 5, 11 and 14 of the prayer for relief in the motion are denied because there are no reasonable bases in fact and law for requesting such relief here. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009). With respect to movant's request for stay annulment, the court denies the request because although movant

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

recites the relevant factors stated in *In re Gasprom, Inc.*, 500 598, 607 (9th Cir. 2013), it does not show how such factors apply to this case by discussing the particular facts of this case and how they relate to these factors, specifically, whether movant knew of the stay but nonetheless took action, and how quickly movant moved for annulment, and after learning of the bankruptcy, whether movant proceeded to take steps in continued violation of stay or whether it moved expeditiously to gain relief, weighing of the extent of prejudice to movant or third parties if stay relief is not made retroactive. It is not clear why stay annulment is needed here because movant obtained a writ of possession prepetition, which is not in violation of stay in this case, and apparently just needs to enforce its writ. Movant has not explain what acts it took in violation of stay that it needs stay annulment to validate. As to seeking retroactive annulment to 6/20/16 before the filing of this case on 8/17/17, the court lacks jurisdiction to annul a stay that did not exist before this case, and to the extent that movant is seeking an order of this court to invalidate a stay in another case not before this court, the court lacks jurisdiction to do so.

Movant's claim for stay relief under 11 U.S.C. 362(d)(4) is denied because a purchaser at a foreclosure sale like movant lacks standing to seek in rem relief under 11 U.S.C. 362(d)(4). *In re Ellis*, 523 B.R. 673, 678-680 (9th Cir. BAP 2014).

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling. The court does not see the factual and/or legal bases for movant's requests for extraordinary relief in paragraphs 5, 9, 11 and 14 of the prayer for relief in the motion, and the court will require movant to file a supplemental brief to show that there are reasonable bases in fact and law for requesting such relief. See *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

Movant does not provide the legal and/or factual support for the request for extraordinary relief in paragraph 11 requesting any stay relief order is binding and effective in any future bankruptcy case, no matter who the debtor is.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, January 15, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

There is persuasive contrary authority not addressed in the moving papers. In re Van Ness, 399 B.R. at 905-907.

Movant does not provide the legal and/or factual support for the request for extraordinary relief in paragraph 14 requesting retroactive relief as to all bankruptcy cases filed affecting the property retroactive to 6/20/16, which raises procedural due process issues for the court purporting to act in other bankruptcy cases.

Movant does not provide the legal and/or factual support for the request for retroactive stay annulment in paragraph 5 because it has failed to show that the legal standards of *National Environmental Waste Corp. v. City of Riverside* (In re National Environmental Waste Corp.), 129 F.3d 1052 (9th Cir. 1997) and *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013) have been met.

Movant does not provide the legal and/or factual support for the request for extraordinary relief in paragraph 9 requesting in rem stay relief under 11 U.S.C. 362(d)(4). There is persuasive, if not controlling, contrary authority not addressed in the moving papers indicating that a purchaser at a foreclosure sale like movant lacks standing to seek in rem relief under 11 U.S.C. 362(d)(4). In re Ellis, 523 B.R. 673, 678-680 (9th Cir. BAP 2014).

Movant does not provide the legal and/or factual support for the request for stay relief under 11 U.S.C. 362(d)(2) to show debtor's lack of equity and that the property is not needed for the effective reorganization of debtor since there is no evidence of title, or precisely, debtor's lack of title, or valuation evidence of debtor's lack of equity since movant has the burden of showing lack of equity under 11 U.S.C. 362(g)(1).

In order for the court to grant extraordinary relief requested by movant, the court will need to determine that there are factual and legal bases for such relief, which are not evident in the motion. The supplemental brief will be due on 1/8/19, one week before a continued hearing on 1/15/19 at 11:00 a.m.

The court would consider granting in rem relief under 11 U.S.C. 362(d)(1) and 11 U.S.C. 105(a) on a prospective basis only, but movant may be able to

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, January 15, 2019**

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11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

show entitlement to retroactive stay annulment relief as discussed above. The court does not make a finding that the petition was filed in bad faith for lack of sufficient evidence or that the claims are nondischargeable because stay relief proceedings are summary in nature and do not go to the merits of the claims. Otherwise, no tentative ruling on the merits.

Appearances are required on 12/18/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 15, 2019

Hearing Room 1675

1:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:18-01371 Gonzalez v. Discover Bank et al

**#6.00** Status conference re: Complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Credit Union fka Western Federal Credit Union 4) damages by any other party does, 1-20

Docket 1

**Tentative Ruling:**

The court will conduct the status conference on its 2:30 p.m. calendar with the hearings of plaintiff's motion to file an amended complaint and defendant UNIFY Financial Credit Union's motion to dismiss rather than at 1:30 p.m. for the convenience of the parties and the court.

Appearances are required on 1/15/19 at 2:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez Pro Se

**Defendant(s):**

Discover Bank Pro Se

Unify Credit Union Pro Se

Attorney Anerio Altman Pro Se

Does 1-20 Pro Se

**Plaintiff(s):**

Arturo Gonzalez Pro Se

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Arturo Gonzalez**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 15, 2019

Hearing Room 1675

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#7.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 8/28/18, 10/23/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/15/19 to 2/26/19 at 1:30 p.m.  
per stip & order entered on 1/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. Off calendar. Continued by stipulation and order to 2/26/19 at 1:30 p.m. No appearances are required on 1/15/19.

Prior tentative ruling as of 10/22/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/23/18, but counsel may appear by telephone.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 15, 2019

Hearing Room 1675

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#8.00** Status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]

Docket 1

**\*\*\* VACATED \*\*\* REASON: Another summons issued on 11/27/18, s/c  
reset to 1/29/19 at 1:30 p.m-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. Off calendar. Status conference rescheduled to 1/29/19 at 1:30 p.m. due to issuance of another summons. No appearances are required on 1/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By

Ron Bender

Juliet Y Oh

Todd M Arnold

Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By

Gail L Chung

Jack A Raisner

Rene S Roupinian

Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:00 PM

**2:12-35473 Amurgence Technology Inc**

**Chapter 7**

Adv#: 2:14-01500 Rund Chapter 7 Trustee v. Chen et al

**#9.00** Pretrial conference re: Complaint to: (1) Avoid and Recover Preferential Transfers; (2) Avoid and Recover Fraudulent Transfers; and for (3) Breach of Fiduciary Duty fr. 11/28/17, 5/29/18, 11/27/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/27/17. No tentative ruling on the merits. The court has reviewed the joint status report and intends to discuss scheduling of further proceedings in this adversary proceeding, specifically to discuss whether they can be coordinated with further proceedings in the related adversary proceedings involving debtor's attorneys and Microland. Appearances are required on 11/28/17, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 8/31/15 and set a post-discovery status conference for 9/29/15 at 1:30 p.m. The parties are ordered to conduct FRBP 7026 conference by 3/31/15. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 3/31/15 and to complete mediation by 9/29/15. Appearances are required on 2/3/15, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Amergence Technology Inc**

**Chapter 7**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Yian Chen

Pro Se

Shavonne Tran

Pro Se

Doron Stephen

Pro Se

DSI Computers, Inc., a California

Pro Se

**Plaintiff(s):**

Jason Rund Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#10.00** Hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note

Docket 399

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/15/19 to 4/30/19 at 1:30 p.m.  
per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 1/15/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#11.00** Hearing re: Plaintiff's motion pursuant to F.R.C.P. 37 and F.R.B.P. 7037 to issue terminating sanctions against defendants Ace Museum and Ace Gallery New York Corporation for breaching the court's October 18, 2018 order to respond to discovery

Docket 478

**Tentative Ruling:**

Off calendar. By written order, the court grants request of entity defendants to continue hearing to obtain corporate revivors and continues the hearing to 3/13/19 at 1:30 p.m. Defendants must file and serve substantive oppositions by 2/27/19, and plaintiff must file and serve any reply by 3/6/19. No appearances are required on 1/15/19.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Michael W Vivoli  
Ashley M McDow  
Ronald Rus  
Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Pro Se

Kamran Gharibian

Pro Se

Daryoush Dayan

Pro Se

Cathay Bank, a California

Pro Se

Jennifer Kellen

Pro Se

**Plaintiff(s):**

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 15, 2019

Hearing Room 1675

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#12.00**      Hearing re: Motion to dismiss adversary proceeding complaint under Federal Rule of Civil Procedure 12(b)(6)

Docket      6

**Tentative Ruling:**

Service of defendant UNIFY Financial Credit Union's motion to dismiss the complaint is deficient since it did not serve plaintiff at his address of record. Defendant will have to serve plaintiff at the correct address of record before the court will consider the motion. The motion may be moot if the court's grants plaintiff's pending motion to file an amended complaint. Appearances are required on 1/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                        |                                |
|------------------------|--------------------------------|
| Discover Bank          | Pro Se                         |
| Unify Credit Union     | Represented By<br>Brett P Ryan |
| Attorney Anerio Altman | Pro Se                         |
| Does 1-20              | Pro Se                         |

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                                  |
|---------------------|----------------------------------|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee |
|---------------------|----------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Arturo Gonzalez**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#13.00**      Hearing re: Motion for leave to amend adversary complaint

Docket      9

**Tentative Ruling:**

Grant plaintiff's motion for leave to file amended complaint for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 1/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                        |                                |
|------------------------|--------------------------------|
| Discover Bank          | Pro Se                         |
| Unify Credit Union     | Represented By<br>Brett P Ryan |
| Attorney Anerio Altman | Pro Se                         |
| Does 1-20              | Pro Se                         |

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                                  |
|---------------------|----------------------------------|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee |
|---------------------|----------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#14.00** Hearing re: Motion to extend discovery deadlines and continue pre-trial conference pursuant to Fed. R. Civ. P. 16(b)(4) [incorporated by Fed. R. Bankr. P. 7016]

Docket 27

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order extending the discovery cutoff date to 5/15/19, the deadline for filing the joint pretrial stipulation to 6/18/19 and continuing the pretrial conference to 6/25/19 at 2:00 p.m. No appearances are required on 1/15/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15007 Eugen Valentin Dietl**

**Chapter 7**

**#15.00** Cont'd hearing re: Chapter 7 trustee's motion for an order disallowing claim no. 10-1 filed by Keystone Law Group, P.C.  
fr. 10/23/18, 11/27/18

Docket 258

**\*\*\* VACATED \*\*\* REASON: Resolved per stip & order entered on 12/28/18-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order entered on 12/28/18.  
No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Eugen Valentin Dietl

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Aram Ordubegian  
Annie Y Stoops  
M Douglas Flahaut  
Christopher K.S. Wong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15007 Eugen Valentin Dietl**

**Chapter 7**

**#16.00** Cont'd hearing re: Chapter 7 trustee's motion for an order disallowing claim no. 8-1 filed by Peggy Meyer Jarvel fr. 10/23/18, 11/27/18

Docket 257

**\*\*\* VACATED \*\*\* REASON: Resolved per stip & order entered on 12/28/18-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order entered on 12/28/18.  
No appearances are necessary.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Eugen Valentin Dietl

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Aram Ordubegian

Annie Y Stoops

M Douglas Flahaut

Christopher K.S. Wong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17166 Leopoldo Almodovar Dimaguila and Teresita Rragio**

**Chapter 7**

**#17.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 54

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 1/15/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Leopoldo Almodovar Dimaguila

Represented By  
William J Smyth

**Joint Debtor(s):**

Teresita Rragio Dimaguila

Represented By  
William J Smyth

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Georgeann H Nicol  
Adam Stevens

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17166 Leopoldo Almodovar Dimaguila and Teresita Rragio**

**Chapter 7**

**#18.00** Hearing re: Application for fees and expenses  
[Georgeann Hunter Nicol, Attorney for Chapter 7 Trustee]

Docket 52

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 1/15/19, but trustee and counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Leopoldo Almodovar Dimaguila

Represented By  
William J Smyth

**Joint Debtor(s):**

Teresita Rragio Dimaguila

Represented By  
William J Smyth

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Georgeann H Nicol  
Adam Stevens

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17166 Leopoldo Almodovar Dimaguila and Teresita Rragio**

**Chapter 7**

**#19.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 53

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 1/15/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Leopoldo Almodovar Dimaguila

Represented By  
William J Smyth

**Joint Debtor(s):**

Teresita Rragio Dimaguila

Represented By  
William J Smyth

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Georgeann H Nicol  
Adam Stevens

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-15774 Yoshihiro Ishii**

**Chapter 7**

Adv#: 2:18-01261      McCall v. Yoshihiro

**#20.00**      Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1  
fr. 11/6/18

Docket      15

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No updated tentative ruling on the merits. Appearances are required on 1/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant plaintiff's motion for default judgment for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 11/6/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Yoshihiro Ishii

Represented By  
Irwin M Friedman

**Defendant(s):**

Ishii Yoshihiro

Pro Se

**Plaintiff(s):**

Patrick A. McCall

Represented By  
Richard G Heston

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 15, 2019

Hearing Room 1675

2:30 PM

**2:18-15774 Yoshihiro Ishii**

**Chapter 7**

Adv#: 2:18-01261      McCall v. Yoshihiro

**#21.00**      Cont'd status conference re: Complaint to determine dischargeability of debt  
fr. 10/16/18, 11/6/18

Docket      1

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Off calendar. The court has reviewed plaintiff's unilateral status report, stating that default has been entered against defendant and plaintiff has noticed his motion for default judgment for hearing on 11/6/18 at 2:30 p.m. In the interest of judicial economy, the court on its own motion continues the status conference to the date and time of the hearing on the motion for default judgment on 11/6/18 at 2:30 p.m. No appearances are required on 10/16/18.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Yoshihiro Ishii

Represented By  
Irwin M Friedman

**Defendant(s):**

Ishii Yoshihiro

Pro Se

**Plaintiff(s):**

Patrick A. McCall

Represented By  
Richard G Heston

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, January 15, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Yoshihiro Ishii**

**Chapter 7**

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.10** Cont'd hearing re: Debtor's emergency motion for approval and entry of stipulated order providing for professional fee carve out fr. 12/14/18, 1/9/19

Docket 136

**Tentative Ruling:**

Revised and updated tentative ruling as of 1/15/19. As stated at the prior hearing on the motion, the court disagrees with the contention of reclamation creditor Associated Feed that the proposed professional fee carveout "appears to be contrary" to the Supreme Court decision in *Czyzewski v. Jevic Holding Corp.*, 137 S.Ct. 973 (2017) because this situation does not involve a final distribution in a structured dismissal outside a confirmed plan which would involve a priority skipping or violating distribution. Here, it would appear that the distributions would be not priority skipping or violating because they would be made from sales proceeds based on a determination that Great Rock has a first priority lien and would not present the priority skipping or violating problem under *Jevic* as argued in debtor's reply. However, there is a timing concern that should be addressed as to how and when the sales proceeds from any sale under 11 U.S.C. 363 would be distributed on Great Rock's first priority lien, i.e., upon or right after a sale or through a confirmed plan. See *In re Air Beds, Inc.*, 92 B.R. 419 (9th Cir. BAP 1988)(stating that distributions on prepetition claims in a Chapter 11 case should generally be made through a confirmed plan absent "exceptional circumstances"), citing 11 U.S.C. 1123(a)(5) and Federal Rule of Bankruptcy Procedure 3021. Debtor should address this timing concern at the hearing. It would seem to the court that the issue of whether a distribution would be priority skipping or violation contrary to *Jevic* can be addressed upon the motion to sell property under 11 U.S.C. 363 which would propose a disposition of the sale proceeds, including to secured creditors, such as Great Rock, and the carveout would come out of what would be distributed on behalf of Great Rock under the sale order. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. Since it appears that there is a dispute between the

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Central District of California  
Los Angeles  
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10:00 AM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

parties in interest regarding whether the professional fee carveout would work a subordination of GemCap's second priority lien in the real property collateral or a dilution of the claims of other priority claimants, such as reclamation creditor Associated Feed & Supply Co., Inc. , it would be helpful to the court if the stipulating parties indicate where in the record are the facts showing the equity to which first priority Great Rock's lien attaches in the real property collateral, and the lien amount. Alternatively, the court might schedule a short proveup hearing to establish the value of the equity subject to Great Rock's first priority lien in the real property collateral to show the alleged lack of impairment of GemCap's lien or dilution of other priority claimants such as Associated Feed & Supply. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 16, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.20** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. 11/7/18, 12/5/18, 12/12/18

Docket 140

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits. The court is still deliberating on the contested matters of trustee's adversary proceeding against defendants Sharron and Beyond Basics for fraudulent transfer, open account and related claims, his objection to Sharron's claims and Sharron's motion for payment of claims and has completed a draft of the memorandum decision of approximately 120 pages, but will need a week or so to complete minor editing, proofreading and cite-checking before issuing the decision. The court will set a further status conference in two weeks on 1/30/19 at 11:00 a.m. Appearances are optional on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Updated tentative ruling as of 11/5/18. The court is still deliberating on the adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics and expects to issue a ruling by 11/30/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status

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11:00 AM

**CONT... L Scott Apparel Inc.**

**Chapter 11**

conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court is still deliberating on the adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics. Otherwise, no tentative ruling on the merits. Appearances are required on 8/22/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/19/18. Off calendar. The court continues the status conference on its own motion to 4/25/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 4/25/18. No appearances are required on 3/21/18.

Prior tentative ruling as of 1/12/18. Off calendar. The court continues the status conference on its own motion to 3/21/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 3/21/18. No appearances are required on 1/17/18.

Corrected tentative ruling as of 10/25/17. Off calendar. The court continues the status conference on its own motion to 1/17/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 1/17/18. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the

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Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... L Scott Apparel Inc.**

**Chapter 11**

status conference on its own motion to 10/25/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/19/17. Off calendar. The court continues the status conference on its own motion to 8/30/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 8/30/17. No appearances are required on 6/21/17.

Updated tentative ruling as of 4/24/17. Off calendar. The court continues the status conference on its own motion to 6/21/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 6/21/17. No appearances are required on 4/26/17.

Prior tentative ruling as of 3/27/17. Off calendar. The court continues the status conference on its own motion to 4/26/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 4/26/17. No appearances are required on 3/29/17.

Updated tentative ruling as of 1/23/17. Off calendar. The court has reviewed the liquidating trustee's status report and continues the status conference on its own motion to 3/29/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 3/29/17. No appearances are required on 1/25/17.

Prior tentative ruling as of 10/17/16. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. In light of the current pending litigation, especially the Sharron adversary proceeding, it seems that a further status conference should be set in about 120 days. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 12/1/15. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. Appearances are required on 12/2/15, but counsel may appear by telephone.

**United States Bankruptcy Court  
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Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... L Scott Apparel Inc.**

**Chapter 11**

Prior tentative ruling as of 7/27/15. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. Appearances are required on 7/29/15 to discuss scheduling of further post-confirmation proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 3/9/15. The court has reviewed liquidating trustee's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/11/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed liquidating trustee's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of claims as described in the status report. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/2/14. Appearances are required on 9/3/14, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the liquidating trustee's status report and continues the status conference on its own motion to 9/3/14 at 11:00 a.m. to allow the parties a limited opportunity to continue in plan modification negotiations. No appearances are required on 8/21/14.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Movant(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 16, 2019**

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11:00 AM

**CONT... L Scott Apparel Inc.**

Paul J Kurtzhall

**Chapter 11**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/21/18, 6/27/18, 10/17/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits.  
Appearances are required on 10/17/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#3.00** Hearing re: Disclosure statement

Docket 58

**Tentative Ruling:**

The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#4.00** Hearing re: Debtor's motion to extend the debtor's exclusively periods for the debtor to file a plan of reorganization and obtain acceptance thereof

Docket 117

**Tentative Ruling:**

Grant debtor's motion to extend plan exclusivity dates for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 1/16/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#5.00** Hearing re: Motion for entry of an order authorizing use of cash collateral through and including June 3, 2019

Docket 118

**Tentative Ruling:**

No tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#6.00** CONTD TRIAL RE: Motion of debtor to assume lease  
fr. 10/3/18, 10/25/18, 1/9/19

Docket 67

**Tentative Ruling:**

No updated tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Revised updated tentative ruling as of 1/8/19. The court is still deliberating on the motion after the evidentiary hearing, but intends to announce its ruling by the deadline of 1/18/19. No tentative ruling on the merits. The court expects to continue the hearing to 1/16/19 at 11:00 a.m. at which time other matters in this case are noticed for hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior Updated tentative ruling as of 10/22/18. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 10/25/18.

Revised tentative ruling as of 10/1/18 at 6:00 p.m.:

Treat motion to assume lease as a contested matter under FRBP 9014 because there are disputed issues of material fact that may require an evidentiary hearing to resolve (including debtor's status as tenant in fact as opposed to being listed on the lease, whether landlord validly invoked the recapture provisions of the lease, whether debtor has the ability to perform the lease if assumed) and treat hearing as a status conference to schedule further pretrial and trial proceedings. See *In re Gentile Family Industries*, 2014 WL 4091001 (9th Cir. BAP 2014)(acknowledging but not deciding whether the Ninth Circuit's decision in *In re G.I. Industries, Inc.*, 204 F.3d 1276 (9th Cir. 2000), citing, *In re Orion Pictures Corp.*, 4 F.3d 1095 (2nd Cir. 1993), should be broadly or narrowly construed; see also, *In re Miller*, 2016 WL 1316763 (Bankr. D. Mont. 2016)(narrowly construing *G.I. Industries* to rejection of an executory contract or lease). The court is inclined to agree

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Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**CONT... 8800 LLC**

**Chapter 11**

with Debtor that the applicable rule is the two-step analysis for determining whether a lease may be assumed under 11 U.S.C. 365 set forth in *In re Waterkist Corp.* 775 F.2d 1089 (9th Cir. 1985) and *In re Windmill Farms, Inc.*, 841 F.2d 1467 (9th Cir. 1988). Landlord argues that G.I. Industries, following *Orion Pictures*, having a circumscribed view of the analysis of a motion to assume or reject a contract applies here, but that would mean that G.I. Industries impliedly overruled the two-part rule in *Waterkist Corp.* Landlord argues that G.I. Industries governs because it is a later pronouncement by the circuit, but that may not be right because it generally takes an en banc panel decision to overrule the case precedent of a prior circuit panel and arguably, the two-part rule involves a narrow, specific issue of lease assumption rather than general issue of assumption or rejection of executory contracts, and thus, the specific takes precedence over the general. The court hesitates to reach a conclusion on whether *Waterkist* was overruled by G.I. Industries in some fashion since this has not been adequately briefed by the parties and the court's research is preliminary and incomplete. However, the state of the case law in the circuit may be in flux as shown by the BAP's unpublished decision in *Gentile Family Industries* referring both to G.I. Industries and *Windmill Farms*, but not to the two-rule rule specifically. Since the motion for the assumption of the lease is important to the parties, and perhaps decisive of debtor's reorganization prospects, it makes sense to decide the motion in a contested matter to resolve factual issues. The court understands Landlord prefers deciding the contract dispute issues in state court as indicated in its stay relief and remand motions, but it seems that the court has jurisdiction to decide such issues in a contested matter or adversary proceeding related to lease assumption. The court's approach in *In re Belasco Unlimited Corp.*, No. 2:14-bk-26546-BR Chapter 11 (Bankr. C.D. Cal., findings of fact and conclusions of law after evidentiary hearing on motion to assume lease, filed and entered on April 8, 2015) is illustrative and is consistent with the holding in *Gentile Family Industries*.

Tentative rulings on TMC Realty, Inc.'s evidentiary objections to the declaration of Alan Nathan:

Objection #1 (page: line(s) 37:6-10): Overrule.

Objection #2 (39:13-15): Overrule.

Objection #3 (39:19-21): Sustain - lack of foundation.

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Los Angeles  
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Objection #4 (39:25-26): Sustain - lack of foundation.  
Objection #5 (40:6-10): Sustain - improper opinion.  
Objection #6 (40:18-22): Sustain as to phrases "In contravention of the Lease" and "improperly and prematurely"- improper opinion, otherwise overrule.  
Objection #7 (40:25-27): Sustain - lack of foundation, improper opinion.  
Objection #8 (41:15-17): Sustain - lack of foundation, improper opinion.  
Objection #9 (41:26-27): Sustain - improper opinion.  
Objection #10 (42:13-17): Sustain - improper opinion.  
Objection #11 (43:21-23): Sustain as to phrase "and gave express consent for the Debtor to possess and operate at the Premises under the Lease" - improper opinion, otherwise overrule.  
Objection #12 (44:13-16): Sustain - improper opinion.  
Objection #13 (44:17-21): Sustain - improper opinion.  
Objection #14 (44:22-26): Sustain - improper opinion.  
Objection #15 (46:21-47:2): Sustain - improper opinion.  
Objection #16 (48:14-18): Sustain as to sentence, "As set forth above, the Debtor's financial problems were precipitated, in-part, by the Landlord's demand and actions to prematurely and improperly terminate the Lease." - improper opinion. Sustain as to sentences, "However, Debtor is operating profitably. Attached as 'Exhibit 14 hereto is the Debtor's projection of income and expenses through September 30, 2023. These projections show that the Debtor can satisfy its future obligations under the Lease." - lack of foundation.

The court comments that Mr. Nathan's improper opinions are disguised arguments which are not relevant and best left to counsel in briefing and that Debtor will need to provide a factual foundation for Mr. Nathan's testimony about the preparation of the Debtor's financial projections (i.e., describing who made the projections, what data was relied upon for the projections and what reasonable assumptions were made for such projections).

Appearances are required on 10/3/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... 8800 LLC**

**Chapter 11**

David B Golubchik  
Jeffrey S Kwong  
Martin J Brill



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#7.00** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 10/3/18, 10/25/18, 1/9/19

8800 Sunset Boulevard  
West Hollywood, California 90069  
Ground Floor Restaurant Space and Adjacent Patio (aka Estrella)

Docket 35

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these factors are closely related to those that a bankruptcy court must consider in deciding to exercise permissive abstention under 28 U.S.C. §1334( c)(1). 311 B.R. at 558 and n. 13, *citing inter alia*, *In re Tucson Estates, Inc.*, 912 F.2d

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Los Angeles  
Judge Robert Kwan, Presiding  
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Chapter 11

1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:

**1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). The Landlord's unlawful detainer action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.

**2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed unlawful detainer action of Landlord was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to Landlord's state law claim.

**3. The difficulty or unsettled nature of the applicable law.** This factor is neutral because the Landlord's unlawful detainer action does not involve law which is difficult or unsettled in nature.

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Chapter 11

**4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.**

This factor favors stay relief because Landlord's unlawful detainer action was filed in state court and a trial date was set in that action, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*, 124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.**

This factor favors stay relief because Landlord's unlawful detainer is noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). (Landlord has not filed a proof of claim which would be a core proceeding relating to the same substantive claim. *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1021 (9<sup>th</sup> Cir. 2012). *See also, Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Landlord's unlawful detainer action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. § 1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.**

This factor does not favor stay relief because if Debtor is not able to assume the lease, Debtor will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.**

This factor favors stay relief. Landlord's unlawful detainer action as stated above is noncore. However, as also noted above, the outcome of the unlawful detainer action which is related to the lease will have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.**

This factor does not favor stay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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CONT... 8800 LLC

Chapter 11

relief because the unlawful detainer action and the bankruptcy law matter of lease assumption are interrelated.

**9. The burden on the bankruptcy court's docket.** This factor is neutral.

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the unlawful detainer action to this court after a trial was set in state court in that action.

**11. The existence of a right to a jury trial.** This factor does not favor stay relief. Landlord does not have a right to jury trial on its unlawful detainer action or on Debtor's intended lease assumption motion.

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in these actions.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of the unlawful detainer action will substantially impact Debtor's ability to effectively reorganize and that litigation of the removed action and related bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d at 1022-1023.

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| <b>Party Information</b> |
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**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

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**CONT... 8800 LLC**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

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**2:18-17263 8800 LLC**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 10/3/18, 10/25/18, 1/9/19

TMC Realty, LLC v. 8800 Sunset, LLC and 8800 LLC  
LASC Case Number SC129282

Docket 34

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these factors are closely related to those that a bankruptcy court must consider in deciding to exercise permissive abstention under 28 U.S.C. §1334(c)(1). 311 B.R. at 558 and n. 13, *citing inter alia*, *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief

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Los Angeles  
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CONT... 8800 LLC

Chapter 11

factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:

- 1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). Debtor's breach of lease action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.
- 2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed breach of lease action of Debtor was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to the lease.
- 3. The difficulty or unsettled nature of the applicable law.** This factor is neutral because Debtor's breach of lease action does not involve law which is difficult or unsettled in nature.
- 4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.** This factor favors stay relief because

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Chapter 11

Debtor's breach of lease was filed in state court, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*, 124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.** This factor favors stay relief because Debtor's breach of lease claims are noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). *See also, Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Debtor's breach of lease action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. §1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.** This factor does not favor stay relief because if Debtor's claims are related to its intended motion to assume the lease, without which it will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.** This factor favors stay relief. Debtor's breach of lease action as stated above is noncore. However, as also noted above, the outcome of this action which is related to the lease may have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.** This factor does not favor stay relief because Debtor's breach of lease action and the bankruptcy law matter of lease assumption appear to be interrelated.

**9. The burden on the bankruptcy court's docket.** This factor is neutral.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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CONT... 8800 LLC

Chapter 11

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the breach of lease action to this court after a trial in Landlord's related unlawful detainer action was set in state court.

**11. The existence of a right to a jury trial.** This factor favors stay relief. Landlord probably has a right to a jury trial on Debtor's breach of lease action against it, though Landlord can exercise any rights to a jury trial in that action pursuant to Fed. R. Bankr. P. 9015 and Fed. R. Civ. P. 38(b).

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in the removed action.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of Debtor's breach of lease claims may substantially impact Debtor's ability to effectively reorganize because it is related to its bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1022-1023 (9<sup>th</sup> Cir. 2012).

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/3/18, 10/25/18, 1/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits.  
Appearances are required on 9/12/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

Adv#: 2:18-01237 TMC Realty, LLC v. 8800 Sunset LLC et al

**#10.00** Cont'd status conference re: Removal Of Civil Action Under 28 U.S.C. § 1452(a)  
fr. 10/3/18, 10/25/18, 1/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

No tentative ruling as of 9/10/18. Appearances are required on 9/11/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**Defendant(s):**

8800 Sunset LLC

Represented By  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... 8800 LLC**

**Chapter 11**

David B Golubchik

8800 LLC

Represented By  
Jeffrey S Kwong  
Martin J Brill  
David B Golubchik

**Plaintiff(s):**

TMC Realty, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, January 17, 2019

Hearing Room 1675

9:00 AM

2:18-13759 Charles Peters

Chapter 11

#1.00 EVIDENTIARY HEARING RE: Motion for relief from stay  
(County of Riverside VS Debtor)  
fr. 5/22/18, 7/27/18, 10/4/18

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/17/19 to 5/30/19 at 9:00 a.m.  
per stip & order entered on 12/28/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/3/19. Off calendar. Continued by stipulation and order to 5/30/19 at 9:00 a.m. No appearances are required on 1/17/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding debtor's good faith in filing this case and whether the filing of debtor's petition was part of a scheme to hinder, delay or defraud creditors. The court will conduct the hearing as a status conference, and the parties should be prepared to discuss scheduling of an evidentiary hearing. Appearances are required on 5/22/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, January 18, 2019**

**Hearing Room 1675**

9:00 AM

**2:11-40813 Cinevision International, Inc.**

**Chapter 7**

**#1.00 TRIAL RE: Remand**  
fr. 4/24/18, 5/1/18, 9/18/18

Docket 253

**\*\*\* VACATED \*\*\* REASON: Matter to be heard by Judge Zive on 2/12/19  
at 9:00 a.m. in courtroom 1645-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. Off calendar. Trial to be conducted before Judge Zive on 2/12/19 in Courtroom 1645. No appearances are required on 1/18/19.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/18/18 to discuss scheduling of trial, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/18. No tentative ruling on the merits. Appearances are required on 5/1/18, but counsel may appear by telephone.

No tentative ruling as of 4/23/18. Appearances are required on 4/24/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Cinevision International, Inc.

Represented By  
Alan W Forsley  
Andrew Edward Smyth

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Bradley J Yourist

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, January 18, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#2.00** EVIDENTIARY HEARING RE: Debtor's motion to convert from chapter 7 to 13  
fr. 9/18/18, 11/8/18, 12/13/18

Docket 11

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/18/19 to 2/8/19 at 9:00 a.m.  
per stip & order entered on 1/09/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/14/19. Off calendar. Continued by stipulation and order to 2/8/19 at 9:00 a.m. No appearances are required on 1/18/19.

Prior tentative ruling as of 11/5/18. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 11/8/18.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 because it appears that there are disputed issues of material fact regarding debtor's good faith in requesting conversion of the case to Chapter 13 and debtor's income eligibility for Chapter 13 based on her amended schedules asserting a family contribution from her brother. See *In re Deutsch*, 529 B.R. 308 (Bankr. C.D. Cal. 2015). The court has questions about trustee's estimate of \$55,000 in anticipated Chapter 7 administrative expenses which seem awfully high in this case still in its early stages. Appearances are required on 9/18/18 to discuss scheduling of an evidentiary hearing to resolve disputed issues of material fact on the motion, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Janine Liebert

Represented By  
David S Hagen

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-14555 Joseph Burns Wright and Maureen Elizabeth Wright**

**Chapter 7**

**#1.00** Hearing re: motion for relief from stay  
(JPMorgan Chase Bank N.A. VS Debtors)

Docket 36

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Joseph Burns Wright

Represented By  
David H Chung

**Joint Debtor(s):**

Maureen Elizabeth Wright

Represented By  
David H Chung

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Joseph Burns Wright and Maureen Elizabeth Wright**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23816 Christian Fite**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief, including retroactive stay annulment, for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

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| <b>Party Information</b> |
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**Debtor(s):**

Christian Fite

Pro Se

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24500 Eric Ojiyi and Dorothy Cake DBA Civic Center Plaza**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Dorothy Cake dba Civic Center Plaza VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Eric Ojiyi

Represented By  
Brad Weil

Dorothy Cake DBA Civic Center

Represented By  
Paul E Gold

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01120 Ehrenberg v. Cosmetics Gallery, Inc. et al

**#4.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 9/18/18, 11/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of dismissal filed on 12/11/18-mb.**

**Tentative Ruling:**

Off calendar. Notice of voluntary dismissal filed on 12/11/18. No appearances are required on 1/29/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Cosmetics Gallery, Inc.

Pro Se

Srinivas Venkumahanti

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01121 Ehrenberg v. JYMK COSMETICS, INC. et al

**#5.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 9/18/18, 11/6/18

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 1/29/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late January 2019. The court on its own motion continues the status conference to 1/29/19 at 1:30 p.m. Counsel for trustee to give notice if required because any defendant has appeared. No appearances are required on 11/6/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because default has been entered against defendant and plaintiff has represented that it intends to file a motion for default judgment shortly, the court on its own motion continues the status conference for about 60 days to 11/6/18 at 1:30 p.m. so plaintiff can file its motion for default judgment. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because defendants have not responded to the complaint and plaintiff intends to request entry of their default, the court is inclined to continue the status conference for about 60 days so plaintiff can file a request for entry of default. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

JYMK COSMETICS, INC.

Pro Se

In One Corporation

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01122 Ehrenberg v. Perfumerie, Inc. et al

**#6.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 9/18/18, 11/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/29/19 to 4/16/19 at 1:30 p.m.  
per stip & order entered on 1/25/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued by stipulation and order to 4/16/19 at 1:30 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. The court has reviewed the joint status reports indicating that the parties do not agree on a pretrial schedule and on whether the matter should be ordered to mediation. Appearances are required on 9/18/18 to discuss scheduling and mediation, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status reports. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Perfumerie, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

|                  |        |
|------------------|--------|
| Puja Lachmandas  | Pro Se |
| Parvez Syed      | Pro Se |
| Rajkumari Aswani | Pro Se |
| Naintara Jiwnani | Pro Se |
| Archana Jiwnani  | Pro Se |

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01123 Ehrenberg v. Kolli

**#7.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 7/31/18, 11/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of dismissal filed on 12/11/18-mb.**

**Tentative Ruling:**

Off calendar. Notice of voluntary dismissal filed on 12/11/18. No appearances are required on 1/29/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Raja Sekhar Kolli

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01124 Ehrenberg v. Chaparala

**#8.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 9/18/18, 11/6/18

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 1/29/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss whether the parties have had their early meeting of counsel and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/19, and as requested by plaintiff, a further status conference to 1/29/19 at 1:30 p.m. Appearances are required on 11/6/18 to discuss scheduling and defendant's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 11/6/18 at 1:30 p.m., which request the court grants and continues the status conference to that date and time for the reasons stated in the status report. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed the joint status report. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01125 Ehrenberg v. VC Sales and Services, LLC et al

**#9.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 6/19/18, 9/18/18, 11/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of dismissal fo all defendants filed on 12/11/18-mb.**

**Tentative Ruling:**

Off calendar. Notice of voluntary dismissal filed on 12/11/18. No appearances are required on 1/29/19.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

VC Sales and Services, LLC

Pro Se

Raja Sekhar Vadlamudi

Pro Se

Ravik Chigurupati

Pro Se

Kavita Tummala

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Rama Krishna Chaparala**

Michael Fischer  
Michael Fischer

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 29, 2019

Hearing Room 1675

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#10.00** Status conference re: Plaintiff's complaint for substantive consolidation of Prototype Engineering & Manufacturing, Inc., Bahram Bordbar, individually, and as trustee of the Bordbar Family Trust, and Malahat Bordbar, individually, and as trustee of the Bordbar Family Trust

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/29/19 to 3/5/19 at 1:30 p.m.  
per stip & order entered on 1/11/19-pp.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 1/29/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Pro Se

Malahat Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 29, 2019

Hearing Room 1675

1:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#11.00** Cont'd status conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs fr. 7/10/18, 7/17/18, 10/16/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss scheduling and possibility of mediation, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The status conference will be conducted with the hearings on the motions to dismiss and strike on the 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 7/16/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 7/17/18 at 2:30 p.m., the date and time of the hearings on defendant Curtis's motion to dismiss and defendant Ammec's motion to set aside default. Plaintiff to give written notice of continuance of status conference. No appearances are required on 7/10/18.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz

**Defendant(s):**

Ammec, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15217 Melody Shabpareh**

**Chapter 7**

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

**#12.00** Cont'd status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(8) fr. 10/9/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/9/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Defendant(s):**

NELNET EDUCATION LOAN

Pro Se

University of Phoenix, Inc.

Pro Se

**Plaintiff(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16596 Nicholas Fernando Griego**

**Chapter 7**

Adv#: 2:18-01284 Fidelity National Title Insurance Company v. Griego

**#13.00** Cont'd status conference re: Complaint to determine dischargeability of debt under 11 U.S.C. §523 fr. 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 1/29/19 at 1:30 p.m. to allow time for plaintiff to file its motion for default judgment. No appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                          |        |
|--------------------------|--------|
| Nicholas Fernando Griego | Pro Se |
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**Defendant(s):**

|                          |        |
|--------------------------|--------|
| Nicholas Fernando Griego | Pro Se |
|--------------------------|--------|

**Plaintiff(s):**

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| Fidelity National Title Insurance | Represented By<br>Karen A Ragland |
|-----------------------------------|-----------------------------------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#14.00** Cont'd status conference re: Motion for order to show cause pursuant to Local Bankruptcy Rule 9020-1 why the debtor should not be held in contempt for violating a court order  
fr. 10/2/18, 10/23/18, 12/4/18

Docket 36

**Tentative Ruling:**

Revised tentative ruling as of 1/29/19. Off calendar. Continued by stipulation and order to 2/26/19 at 1:30 p.m. No appearances are required on 1/29/19.

Revised tentative ruling as of 12/3/18. Off calendar. Continued by stipulation and order to 1/29/19 at 1:30 p.m. No appearances are required on 12/4/18.

Revised tentative ruling as of 10/22/18. Off calendar. Continued by stipulation and order to 12/4/18 at 1:30 p.m. No appearances are required on 10/23/18.

No tentative ruling as of 10/1/18. Appearances are required on 10/2/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22902 Jose Antonio Santiago**

**Chapter 7**

**#15.00** Hearing re: Ex parte request of debtor Jose Antonio Santiago to appear telephonically at 341(a) meeting of creditors

Docket 28

**Tentative Ruling:**

No tentative ruling as of 1/28/19. Appearances are required on 1/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
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| Jose Antonio Santiago | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                   |        |
|-------------------|--------|
| Jason M Rund (TR) | Pro Se |
|-------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#16.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 1/15/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/29/19 to 3/26/19 at 1:30 p.m.  
per stip & order entered on 1/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 3/26/19 at 1:30 p.m. No appearances are required on 1/29/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#17.00** Pretrial conference re: Complaint to determine nondischargeability of debt  
(11 U.S.C. §§523(a)(2) and (a)(6))  
fr. 4/2/18, 5/16/18, 7/17/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/29/19 to 6/25/19 at 2:00 p.m.  
per stip & order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued by stipulation and order to 6/25/19 at 2:00 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/18. Appearances are required on 5/16/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/23/18. Appearances are required on 4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**

**Philip Joseph Jaurigui**

**Chapter 7**

Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits.  
Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits.  
Appearances are required on 11/29/17, but counsel may appear by telephone.

Updated tentative ruling as of 11/6/17. No tentative ruling on the merits.  
Appearances are required on 11/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits.  
Appearances are required on 7/26/17, but counsel may appear by telephone.

Updated tentative ruling as of 7/11/17. No tentative ruling on the merits.  
Appearances are required on 7/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/27/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10170 Min Jeong Min**

**Chapter 7**

Adv#: 2:18-01086 Kosma Tex v. Min

**#18.00** Pretrial conference re: Complaint objecting to dischargeability of debt and to determine debt to be nondischargeable under 11 U.S.C. §523(a)(2)(A) fr. 6/5/18, 8/21/18, 9/11/18

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 1/28/19. The court has reviewed the joint pretrial stipulation, and since it appears that there are no objections to plaintiff's exhibits listed on the joint pretrial stipulation, the court will receive plaintiff's exhibits 1 through 32 into evidence, and since only one witness has been identified in the joint pretrial stipulation, only one witness will be allowed to testify. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Otherwise, no tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits. Appearances are required on 9/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court has reviewed the joint status report of the parties, which stated that the parties have not conducted their conference under Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. The court continues the status conference on its own motion to 9/11/18 at 1:30 p.m. and order that the parties have their Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1 conference before the continued status conference on 9/11/18. The parties need not file an updated status report for the continued status conference. No appearances are required on 8/21/18.

Prior tentative ruling. Since default has been entered against defendant, defendant will have to file a motion to set aside default unless plaintiff is willing to stipulate to set aside the default and allow defendant's answer to be considered filed. The parties should be prepared to address the issue of



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Min Jeong Min**

**Chapter 7**

whether the default should be set aside. The court is not inclined to set a litigation schedule until the issue of the setting aside the default is resolved. Appearances are required on 6/5/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Min Jeong Min

Represented By  
Young K Chang

**Defendant(s):**

Min Jeong Min

Pro Se

**Plaintiff(s):**

Kosma Tex

Represented By  
Vahe Khojayan

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18163 Anthony Curtis Wells and JOSE L. DUMAS**

**Chapter 7**

**#19.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Richard K. Diamond, Chapter 7 Trustee]

Docket 148

**Tentative Ruling:**

Consideration of the trustee's final report will be delayed due to the pendency of creditor Jose Dumas's partial objection to the final fee application of attorneys for trustee and the scheduling of further proceedings which may be affected by a possible further government shutdown in three weeks, which may impact the operations of the judiciary. which may be also delayed due to the partial government shutdown, which affects the operations of the judiciary. Otherwise, approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are required on 1/29/19 to discuss scheduling of further proceedings, but trustee and counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Anthony Curtis Wells

Represented By  
Gary A Laff

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Aaron E de Leest  
John Clark Brown Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18163 Anthony Curtis Wells and JOSE L. DUMAS**

**Chapter 7**

**#20.00** Hearing re: Application for fees and expenses  
[Danning, Gill, Diamond & Kollitz, LLP, Attorney for Chapter 7 Trustee]

Docket 145

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to the necessity of the professional fees of applicant objected to by creditor Jose Dumas. Scheduling of the trial of the matter may be affected by a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Anthony Curtis Wells

Represented By  
Gary A Laff

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Aaron E de Leest  
John Clark Brown Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18163 Anthony Curtis Wells and JOSE L. DUMAS**

**Chapter 7**

**#21.00** Hearing re: Application for fees and expenses  
[John Clark Brown Jr, Special Counsel for Chapter 7 Trustee]

Docket 144

**Tentative Ruling:**

Approve final fee application of special counsel for trustee for reasons stated in the fee application and for lack of timely written objection. Authorization of payment of final professional fees may be delayed due to pendency of the trustee's final report which will not be finalized until the resolution of the partial objection of creditor Jose Dumas to the final fee application of attorneys for trustee and the scheduling of further proceedings which may be affected by a possible further government shutdown, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Curtis Wells

Represented By  
Gary A Laff

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Aaron E de Leest  
John Clark Brown Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18163 Anthony Curtis Wells and JOSE L. DUMAS**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 142

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Authorization of payment of final professional fees may be delayed due to pendency of the trustee's final report which will not be finalized until the resolution of the partial objection of creditor Jose Dumas to the final fee application of attorneys for trustee and the scheduling of further proceedings which may be affected by a possible further government shutdown, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Curtis Wells

Represented By  
Gary A Laff

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Aaron E de Leest  
John Clark Brown Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, January 29, 2019

Hearing Room 1675

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#23.00** Cont'd hearing re: Motion of defendant JPMorgan Chase Bank, N.A. to dismiss first amended complaint  
fr. 9/25/18, 11/6/18, 12/11/18

Docket 32

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/29/19 to 2/26/19 at 2:30 p.m.  
per stip & order entered on 12/10/18-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/26/19 at 2:30 p.m. No appearances are required on 1/29/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Matthew S Henderson

QUALITY LOAN SERVICE

Represented By  
Merdaud Jafarnia

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#24.00** Hearing re: Motion to dismiss chapter 7 bankruptcy, or in the alternative, to convert chapter 7 to chapter 13

Docket 47

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to debtors' good faith in requesting dismissal or conversion. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, January 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-22101 Mary Palolo Anderson**

**Chapter 7**

**#25.00** Status conference re: Debtor's motion to avoid judicial lien of Vince Zankich under 11 U.S.C. §522(f)

Docket 10

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to valuation of the subject property. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Mary Palolo Anderson

Represented By  
Daniel King

**Trustee(s):**

Heide Kurtz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

9:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#1.00** TRIAL RE: Application for payment of: final fees an/or expenses for David A Tilem, Debtor's Attorney, Period: 6/21/2017 to 7/31/2018, Fee: \$56,790.00, Expenses: \$2,884.39.  
fr. 10/24/18, 12/5/18, 12/12/18

Docket 98

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling will be issued for the evidentiary hearing on this contested matter. Appearances are required on 1/30/19.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18 to discuss scheduling of the evidentiary hearing on debtor's objections to the fee application, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Revised and updated tentative ruling as of 10/22/18 at 5:30 p.m. Off calendar. Off calendar. Continued to 12/5/18 at 11:00 a.m. by order granting debtor's motion for continuance filed on or about 10/22/18. No appearances are required on 10/24/18.

**Party Information**

**Debtor(s):**

Peter G. Kudrave

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

9:00 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#2.00** Cont'd order to show cause why debtor Gary Wayne Barker, Sr., and/or his attorney Dennis McGoldrick should not be sanctioned for failure to appear at the October 17, 2018 post confirmation status conference  
fr. 12/12/18, 12/19/18, 1/9/19

Docket 229

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

---

11:00 AM

**CONT...**      **Gary Wayne Barker, Sr**  
Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#3.00** Cont'd hearing re: Application to convert case to chapter 7 based upon debtor's failure to comply with prior court order fr. 12/12/18, 12/19/18, 1/9/19

Docket 232

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for a final decree, final report, and discharge  
fr. 1/9/19

Docket 244

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation  
and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-14196 Gary Wayne Barker**

**Chapter 11**

**#5.00** Cont'd status conference re: Post confirmation of plan  
fr. 12/12/18, 12/19/18, 1/9/19

Docket 123

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/8/19. Off calendar. Continued by stipulation and order to 1/30/19 at 11:00 a.m. No appearances are required on 1/9/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits, but debtor will need to address the notice of delinquency filed by the United States Trustee and to state when he will be filing a motion for entry of final decree. Appearances are required on 10/17/18, but counsel may appear by

**United States Bankruptcy Court  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Gary Wayne Barker**  
telephone.

**Chapter 11**

Prior tentative ruling as of 6/25/18. No tentative ruling on the merits.  
Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits.  
Appearances are required on 5/23/18, but counsel may appear by telephone.

Updated tentative ruling as of 2/12/18. The court has reviewed debtor's  
status report. Debtor will need to address the notice of delinquency in filing  
United States Trustee reporting requirements filed on 1/2/18. Appearances  
are required on 2/13/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/16/17. No tentative ruling on the merits.  
Appearances are required on 10/18/17, but counsel may appear by  
telephone.

No updated tentative ruling as of 9/11/17. Appearances are required on  
9/13/17, but counsel may appear by telephone.

Updated tentative ruling as of 7/10/17. No tentative ruling on the merits.  
Appearances are required on 7/12/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/17. No tentative ruling on the merits.  
Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits.  
Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits.  
Appearances are required on 1/25/17, but counsel may appear by telephone.

Updated tentative ruling as of 10/17/16. The court has reviewed debtor's  
status report and declaration and exhibits attached thereto. No tentative  
ruling on the merits. Appearances are required on 10/19/16, but counsel may  
appear by telephone.



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11:00 AM

**CONT... Gary Wayne Barker**

**Chapter 11**

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Debtor to explain whether the checks attached to his declaration filed on 9/16/16 have brought the plan entirely current. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 3/7/16. Appearances are required on 3/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 2/1/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 2/3/16, but counsel may appear by telephone.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 11/23/15. The court has reviewed debtor's post-confirmation status report. Appearances are required on 11/25/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/25/15. Appearances are required on 8/26/15, but counsel may appear by telephone.

Prior tentative ruling as of 4/13/15. Off calendar. The court has reviewed debtor's post-confirmation status report and sets a further status conference on its own motion to 8/26/15 at 11:00 a.m. A further status report is due 8/21/15. No appearances are required on 4/15/15.

Prior tentative ruling as of 1/26/15. Off calendar. The court has reviewed debtor's post-confirmation status report and continues the status conference on its own motion to 4/15/15 at 11:00 a.m. A further status report is due 4/8/15. No appearances are required on 1/28/15.

Prior tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

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11:00 AM

**CONT... Gary Wayne Barker**

**Chapter 11**

No updated tentative ruling as of 7/21/14. Appearances are required on 7/23/14, but counsel may appear by telephone.

Prior tentative ruling as of 7/8/14. No tentative ruling on the merits. Appearances are required on 7/9/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's post-confirmation status report and continues the status conference to 5/7/14 at 11:00 a.m. No appearances required on 11/6/13, but a further status report is due on 4/30/14.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E Mcgoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#6.00** Cont'd status conference re: Post confirmation of plan  
fr. 5/23/18, 8/1/18, 10/3/18

Docket 203

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/15/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/17. The court has reviewed debtor's status report. The court notes that the chart is missing the operative date for the amounts required to be paid, though the text of the report states that the date is the date of the report. Debtor needs to clarify the date for the amounts

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11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

required to be paid. Otherwise, no tentative ruling on the merits. Debtor should also report on the rental situation, i.e., is the Burbank property rented out, and how much are her children paying on the Hacienda Heights property each. Appearances are required on 5/10/17, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 11/14/16. The court has reviewed debtor's status report. Appearances are required on 11/16/16, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 9/12/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/24/16 to discuss scheduling of further proceedings, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/27/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 6/13/16. Off calendar. The court has reviewed debtor's motion requesting an extension of time to file the post-confirmation status report, reporting that she was recently injured, and the court on its own motion continues the status conference to 7/27/16 at 11:00 a.m. with an updated status report due for filing on 7/20/16. No appearances are required on 6/15/16.

Prior tentative ruling as of 3/14/16. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/16/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 9/16/15, but self-

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11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 3/3/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/4/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 9/3/14. The court has reviewed the Debtor's status report filed 7/24/2014. No tentative ruling. Appearances required on 9/4/14.

Prior tentative ruling as of 3/17/14. The court has reviewed the United States Trustee (UST)'s report on discovery efforts and results and debtor's objection to the UST's request for further continuance. No tentative ruling on the merits. Appearances are required on 3/19/14.

Prior tentative ruling as of 2/10/14. No tentative ruling. Plan confirmation may be a contested matter under FRBP 9014 requiring an evidentiary hearing. Objecting parties United States Trustee and Deutsche Bank to show excuse for late filing of objections to plan. Debtor to address feasibility of plan, cramdown plan treatment of Deutsch Bank pursuant to its 11 U.S.C. 1111(b) election (i.e., proposed 23-year payout of secured claim may not be proper) and how Stonger vote and objection should be addressed (i.e., what authority exists to disregard Stonger vote or recognize inconsistent ballots, if they are indeed inconsistent rather than unintentionally mistaken.)). Appearances are required on 2/12/14.

Prior tentative ruling as of 12/2/13. At the last hearing on the disclosure statement, debtor indicated that she would submit financial projections as requested by the United States Trustee. Appearances are required on 12/4/13, but counsel may appear by telephone.

No tentative ruling as of 10/28/13. Appearances are required on 10/30/13. Debtor to address objections of United States Trustee and secured creditor Deutsche Bank. Although a confirmation matter, the court is not inclined to confirm a plan with a 36 year payout on the secured claim since no apparent

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**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

justification is provided for the protracted payment and such appears to be discriminatory and unduly shifting the risk of lack of plan feasibility to that creditor. Appearances are required on 10/3013.

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| <b>Party Information</b> |
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**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**Movant(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/28/18, 5/30/18, 10/3/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/11/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#8.00** Hearing re: Application for compensation first interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP, for the period of May 1, 2018 through and including December 31, 2018 for Ashley M McDow, debtor's attorney

Docket 141

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 3/6/19 at 11:00 a.m.  
per order entered on 1/24/19-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion to 3/6/19 at 11:00 a.m. by prior order. No appearances are required on 1/30/19.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow



**United States Bankruptcy Court  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/11/18, 7/11/18, 10/17/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 5/15/18 will not be approved since this court generally requires at least 60 days notice to creditors of a claims bar date. The estimated administrative expenses in this case stated in the status report for \$250,000 to \$350,000 seem high, especially since debtors' budget motion and income and expense statements showing net income of about \$1,700 per month do not show that debtors have the ability to afford such expenses. There should be some explanation why the large amount of professional fee expenses estimated in the status report are needed in this case, and how debtors will be able to pay for these expenses (i.e., are they selling their real property to raise funds to pay for these fees). Appearances are required on 4/11/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

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Central District of California  
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11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#10.00** Hearing re: Disclosure statement

Docket 82

**Tentative Ruling:**

Revised tentative ruling as of 1/28/19. Debtor filed an amended disclosure statement on 1/23/19, which may require a continuance of the hearing to allow creditors to respond. Scheduling of a further hearing on the disclosure statement may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary.

Appearances are required on 1/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 10/31/18, 12/12/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/29/18. No tentative ruling on the merits.  
Appearances are required on 10/31/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/19, but counsel may appear by telephone.

No updated tentative ruling as of 8/20/18. Appearances are required on  
8/22/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
claims bar date should be at least 60 days from the date of notice of bar date  
to creditors, so 6/1/18 is not appropriate. Otherwise, no tentative ruling on the  
merits. Appearances are required on 4/25/18, but counsel may appear by  
telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#12.00** Order to show cause why debtor's chapter 11 bankruptcy case should not be dismissed or other sanctions should not be imposed for failure to appear at the December 19, 2018 status conference

Docket 1

**\*\*\* VACATED \*\*\* REASON: Per order entered on 12/20/18-mb.**

**Tentative Ruling:**

Off calendar. Order to show cause vacated by prior order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 6/27/18, 11/7/18, 12/19/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 3/13/19 at 11:00 a.m.  
per hearing held on 1/16/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 3/13/19 at 11:00 a.m. by hearing held on 1/16/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#14.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 10/3/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling. The status conference is continued to October 3, 2018 at 11:00 a.m. pursuant to Mr. Aver's ex parte motion (Docket No. 36) and the order entered on September 18, 2018.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion to value personal property and modify liens of Valley Economic Development Center and extinguish liens of Camel Financial, Pacoima Development Federal Credit Union, Employment Development Department, New Era Lending, LLC, and Yellowstone Capital West, LLC  
fr. 12/12/18, 12/19/18

Docket 74

**\*\*\* VACATED \*\*\* REASON: Withdrawn per stip & order entered on  
12/26/18-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by stipulation and order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#16.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 10/17/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

**#16.10** Cont'd status conference re: Post confirmation of plan  
fr. 12/5/18, 12/12/18, 1/16/19

Docket 140

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. The court is still deliberating on the contested matters of trustee's adversary proceeding against defendants Sharron and Beyond Basics for fraudulent transfer, open account and related claims, his objection to Sharron's claims and Sharron's motion for payment of claims and has completed a draft of the memorandum decision of approximately 120 pages, but will need a week or so to complete minor editing, proofreading and cite-checking before issuing the decision. The court will set a further status conference in two weeks on 1/30/19 at 11:00 a.m. Appearances are optional on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Updated tentative ruling as of 11/5/18. The court is still deliberating on the

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11:00 AM

**CONT... L Scott Apparel Inc.**

**Chapter 11**

adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics and expects to issue a ruling by 11/30/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court is still deliberating on the adversary proceeding and contested matters involving Lowell Sherron and Beyond Basics. Otherwise, no tentative ruling on the merits. Appearances are required on 8/22/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/19/18. Off calendar. The court continues the status conference on its own motion to 4/25/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 4/25/18. No appearances are required on 3/21/18.

Prior tentative ruling as of 1/12/18. Off calendar. The court continues the status conference on its own motion to 3/21/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 3/21/18. No appearances are required on 1/17/18.

Corrected tentative ruling as of 10/25/17. Off calendar. The court continues the status conference on its own motion to 1/17/18 at 11:00 a.m. and dispenses with the requirement of a written status report for the status

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**CONT... L Scott Apparel Inc.**

**Chapter 11**

conference on 1/17/18. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the status conference on its own motion to 10/25/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/19/17. Off calendar. The court continues the status conference on its own motion to 8/30/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 8/30/17. No appearances are required on 6/21/17.

Updated tentative ruling as of 4/24/17. Off calendar. The court continues the status conference on its own motion to 6/21/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 6/21/17. No appearances are required on 4/26/17.

Prior tentative ruling as of 3/27/17. Off calendar. The court continues the status conference on its own motion to 4/26/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 4/26/17. No appearances are required on 3/29/17.

Updated tentative ruling as of 1/23/17. Off calendar. The court has reviewed the liquidating trustee's status report and continues the status conference on its own motion to 3/29/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 3/29/17. No appearances are required on 1/25/17.

Prior tentative ruling as of 10/17/16. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. In light of the current pending litigation, especially the Sharron adversary proceeding, it seems that a further status conference should be set in about 120 days. Appearances are required on 6/15/16, but counsel may appear by telephone.

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Prior tentative ruling as of 12/1/15. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. Appearances are required on 12/2/15, but counsel may appear by telephone.

Prior tentative ruling as of 7/27/15. The court has reviewed the liquidating trustee's status report. No tentative ruling on the merits. Appearances are required on 7/29/15 to discuss scheduling of further post-confirmation proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 3/9/15. The court has reviewed liquidating trustee's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/11/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed liquidating trustee's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of claims as described in the status report. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/2/14. Appearances are required on 9/3/14, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the liquidating trustee's status report and continues the status conference on its own motion to 9/3/14 at 11:00 a.m. to allow the parties a limited opportunity to continue in plan modification negotiations. No appearances are required on 8/21/14.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

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Central District of California  
Los Angeles  
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**CONT... L Scott Apparel Inc.**

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**Movant(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

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**2:18-17263 8800 LLC**

**Chapter 11**

**#16.20** CONTD TRIAL RE: Motion of debtor to assume lease  
fr. 10/25/18, 1/9/19, 1/16/19

Docket 67

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. The court has issued a memorandum decision and order on the motion. No further appearances are necessary.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Revised updated tentative ruling as of 1/8/19. The court is still deliberating on the motion after the evidentiary hearing, but intends to announce its ruling by the deadline of 1/18/19. No tentative ruling on the merits. The court expects to continue the hearing to 1/16/19 at 11:00 a.m. at which time other matters in this case are noticed for hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior Updated tentative ruling as of 10/22/18. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 10/25/18.

Revised tentative ruling as of 10/1/18 at 6:00 p.m.:

Treat motion to assume lease as a contested matter under FRBP 9014 because there are disputed issues of material fact that may require an evidentiary hearing to resolve (including debtor's status as tenant in fact as opposed to being listed on the lease, whether landlord validly invoked the recapture provisions of the lease, whether debtor has the ability to perform the lease if assumed) and treat hearing as a status conference to schedule further pretrial and trial proceedings. See *In re Gentile Family Industries*, 2014 WL 4091001 (9th Cir. BAP 2014)(acknowledging but not deciding whether the Ninth Circuit's decision in *In re G.I. Industries, Inc.*, 204 F.3d

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**Chapter 11**

1276 (9th Cir. 2000), citing, In re Orion Pictures Corp., 4 F.3d 1095 (2nd Cir. 1993), should be broadly or narrowly construed; see also, In re Miller, 2016 WL 1316763 (Bankr. D. Mont. 2016)(narrowly construing G.I. Industries to rejection of an executory contract or lease). The court is inclined to agree with Debtor that the applicable rule is the two-step analysis for determining whether a lease may be assumed under 11 U.S.C. 365 set forth in In re Waterkist Corp. 775 F.2d 1089 (9th Cir. 1985) and In re Windmill Farms, Inc., 841 F.2d 1467 (9th Cir. 1988). Landlord argues that G.I. Industries, following Orion Pictures, having a circumscribed view of the analysis of a motion to assume or reject a contract applies here, but that would mean that G.I. Industries impliedly overruled the two-part rule in Waterkist Corp. Landlord argues that G.I. Industries governs because it is a later pronouncement by the circuit, but that may not be right because it generally takes an en banc panel decision to overrule the case precedent of a prior circuit panel and arguably, the two-part rule involves a narrow, specific issue of lease assumption rather than general issue of assumption or rejection of executory contracts, and thus, the specific takes precedence over the general. The court hesitates to reach a conclusion on whether Waterkist was overruled by G.I. Industries in some fashion since this has not been adequately briefed by the parties and the court's research is preliminary and incomplete. However, the state of the case law in the circuit may be in flux as shown by the BAP's unpublished decision in Gentile Family Industries referring both to G.I. Industries and Windmill Farms, but not to the two-rule rule specifically. Since the motion for the assumption of the lease is important to the parties, and perhaps decisive of debtor's reorganization prospects, it makes sense to decide the motion in a contested matter to resolve factual issues. The court understands Landlord prefers deciding the contract dispute issues in state court as indicated in its stay relief and remand motions, but it seems that the court has jurisdiction to decide such issues in a contested matter or adversary proceeding related to lease assumption. The court's approach in In re Belasco Unlimited Corp., No. 2:14-bk-26546-BR Chapter 11 (Bankr. C.D. Cal., findings of fact and conclusions of law after evidentiary hearing on motion to assume lease, filed and entered on April 8, 2015) is illustrative and is consistent with the holding in Gentile Family Industries.

Tentative rulings on TMC Realty, Inc.'s evidentiary objections to the declaration of Alan Nathan:



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- Objection #1 (page: line(s) 37:6-10): Overrule.
- Objection #2 (39:13-15): Overrule.
- Objection #3 (39:19-21): Sustain - lack of foundation.
- Objection #4 (39:25-26): Sustain - lack of foundation.
- Objection #5 (40:6-10): Sustain - improper opinion.
- Objection #6 (40:18-22): Sustain as to phrases "In contravention of the Lease" and "improperly and prematurely"- improper opinion, otherwise overrule.
- Objection #7 (40:25-27): Sustain - lack of foundation, improper opinion.
- Objection #8 (41:15-17): Sustain - lack of foundation, improper opinion.
- Objection #9 (41:26-27): Sustain - improper opinion.
- Objection #10 (42:13-17): Sustain - improper opinion.
- Objection #11 (43:21-23): Sustain as to phrase "and gave express consent for the Debtor to possess and operate at the Premises under the Lease" - improper opinion, otherwise overrule.
- Objection #12 (44:13-16): Sustain - improper opinion.
- Objection #13 (44:17-21): Sustain - improper opinion.
- Objection #14 (44:22-26): Sustain - improper opinion.
- Objection #15 (46:21-47:2): Sustain - improper opinion.
- Objection #16 (48:14-18): Sustain as to sentence, "As set forth above, the Debtor's financial problems were precipitated, in-part, by the Landlord's demand and actions to prematurely and improperly terminate the Lease." - improper opinion. Sustain as to sentences, "However, Debtor is operating profitably. Attached as 'Exhibit 14 hereto is the Debtor's projection of income and expenses through September 30, 2023. These projections show that the Debtor can satisfy its future obligations under the Lease." - lack of foundation.

The court comments that Mr. Nathan's improper opinions are disguised arguments which are not relevant and best left to counsel in briefing and that Debtor will need to provide a factual foundation for Mr. Nathan's testimony about the preparation of the Debtor's financial projections (i.e., describing who made the projections, what data was relied upon for the projections and what reasonable assumptions were made for such projections).

Appearances are required on 10/3/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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**Chapter 11**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
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Los Angeles  
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**Chapter 11**

**#16.30** Cont'd hearing re: Motion for entry of an order authorizing use of cash collateral through and including June 3, 2019  
fr. 1/16/19

Docket 118

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

No tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
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**Chapter 11**

**#16.40** Cont'd hearing re: Debtor's motion to extend the debtor's exclusively periods for the debtor to file a plan of reorganization and obtain acceptance thereof fr. 1/16/19

Docket 117

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 1/17/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. The court has granted the motion by prior order. No appearances are required on 1/30/19.

Prior tentative ruling. Grant debtor's motion to extend plan exclusivity dates for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 1/16/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
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**Chapter 11**

**#16.50** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 10/25/18, 1/9/19, 1/16/19

8800 Sunset Boulevard  
West Hollywood, California 90069  
Ground Floor Restaurant Space and Adjacent Patio (aka Estrella)

Docket 35

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these

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factors are closely related to those that a bankruptcy court must consider in deciding to exercise permissive abstention under 28 U.S.C. §1334( c)(1). 311 B.R. at 558 and n. 13, *citing inter alia, In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:

**1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). The Landlord's unlawful detainer action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.

**2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed unlawful detainer action of Landlord was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to Landlord's state law claim.

**3. The difficulty or unsettled nature of the applicable law.** This factor

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is neutral because the Landlord's unlawful detainer action does not involve law which is difficult or unsettled in nature.

**4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.** This factor favors stay relief because Landlord's unlawful detainer action was filed in state court and a trial date was set in that action, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*, 124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.** This factor favors stay relief because Landlord's unlawful detainer is noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). (Landlord has not filed a proof of claim which would be a core proceeding relating to the same substantive claim. *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1021 (9<sup>th</sup> Cir. 2012). See also, *Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Landlord's unlawful detainer action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. § 1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.** This factor does not favor stay relief because if Debtor is not able to assume the lease, Debtor will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.** This factor favors stay relief. Landlord's unlawful detainer action as stated above is noncore. However, as also noted above, the outcome of the unlawful detainer action which is related to the lease will have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

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**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.** This factor does not favor stay relief because the unlawful detainer action and the bankruptcy law matter of lease assumption are interrelated.

**9. The burden on the bankruptcy court's docket.** This factor is neutral.

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the unlawful detainer action to this court after a trial was set in state court in that action.

**11. The existence of a right to a jury trial.** This factor does not favor stay relief. Landlord does not have a right to jury trial on its unlawful detainer action or on Debtor's intended lease assumption motion.

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in these actions.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of the unlawful detainer action will substantially impact Debtor's ability to effectively reorganize and that litigation of the removed action and related bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d at 1022-1023.

**Party Information**



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**Chapter 11**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong

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**#16.60** Cont'd hearing re: Motion for relief from stay  
(TMC Realty, LLC VS Debtor)  
fr. 10/3/18, 10/25/18, 1/9/19, 1/16/19

TMC Realty, LLC v. 8800 Sunset, LLC and 8800 LLC  
LASC Case Number SC129282

Docket 34

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling.

The courts in the Ninth Circuit have identified various factors relevant to determining whether the automatic stay should be lifted to allow a creditor to continue pending litigation in a non-bankruptcy forum pursuant to 11 U.S.C. § 362(d)(1). *In re Plumberex Specialty Products, Inc.*, 311 B.R. 551, 557-561 (Bankr. C.D. Cal. 2004), *citing inter alia*, *In re Curtis*, 40 B.R. 795, 799-800 (Bankr. D. Utah 1984). As stated by the court in *Plumberex*, these factors are closely related to those that a bankruptcy court must consider in

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Chapter 11

deciding to exercise permissive abstention under 28 U.S.C. §1334(c)(1). 311 B.R. at 558 and n. 13, *citing inter alia, In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9<sup>th</sup> Cir. 1990). The twelve permissive abstention/stay relief factors set forth by the Ninth Circuit in *Tucson Estates* which this court normally considers are:

**1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.** This factor does not favor stay relief. Debtor's lease is one of the primary assets of its estate, and the leased premises are Debtor's principal place of business where most of its assets are located. Debtor intends to file a motion to assume the lease under 11 U.S.C. §365, which will have a major impact on Debtor's prospects for reorganization in this case, and in order for the court to determine the lease assumption motion, the court will have to make the determinations of the not yet judicially determined issues of state law of the validity of the lease termination by Landlord and any claim of relief from lease forfeiture by Debtor, which are intertwined with the lease assumption motion issues. *In re Art and Architecture Books of the 21<sup>st</sup> Century*, No. 2:13-bk-14135-RK Chapter 11 (Bankr. C.D. Cal., statement of decision filed on April 15, 2013), *citing, In re Turbowind, Inc.*, 42 B.R. 579, 583 (Bankr. S.D. Cal. 1984). This bankruptcy court has authority to decide the state law issues of validity of lease termination and lease forfeiture relief. *Id.*, *citing, In re Windmill Farms, Inc.*, 841 F.2d 1467, 1468-1474 (9<sup>th</sup> Cir. 1988); *see also, Matter of Escondido West Travelodge*, 52 B.R. 376, 382 (S.D. Cal. 1985). Debtor's breach of lease action for which stay relief is sought concerns the estate's leasehold interest, and Debtor's ability to assume the lease and continue its business operations would be affected by the outcome of that action.

**2. The extent to which state law issues predominate over bankruptcy issues.** This factor favors stay relief because the removed breach of lease action of Debtor was initially filed in state court and is based on a state law claim, though Debtor plans to litigate bankruptcy claims under to 11 U.S.C. §§ 365, 541, 547 and 548 related to the lease.

**3. The difficulty or unsettled nature of the applicable law.** This factor is neutral because Debtor's breach of lease action does not involve law which is difficult or unsettled in nature.

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**4. The presence of a related proceeding commenced in state court or other non-bankruptcy court.** This factor favors stay relief because Debtor's breach of lease was filed in state court, though the court notes Debtor's argument that there are no longer proceedings in state court due to the removal. *Security Farms v. International Brotherhood of Teamsters, etc.*, 124 F.3d 999, 1010 (9<sup>th</sup> Cir. 1997).

**5. The jurisdictional basis, if any, other than 28 U.S.C. § 1334.** This factor favors stay relief because Debtor's breach of lease claims are noncore. The Ninth Circuit observed that if a proceeding does not invoke a substantive right created by federal bankruptcy law and if it could exist outside of bankruptcy, it is noncore. *In re Eastport Associates*, 935 F.2d 1071, 1076 (9<sup>th</sup> Cir. 1991). *See also, Schultze v. Chandler*, 765 F.3d 945, 950-951 (9<sup>th</sup> Cir. 2014)(state law claim against estate professional arising in case under Bankruptcy Code was core proceeding)). Debtor's breach of lease action could exist outside of bankruptcy, and are thus noncore, and thus, the court exercises only its "related to" jurisdiction under 28 U.S.C. §1334 to determine Debtor's motion to assume the lease pursuant to 11 U.S.C. § 365 and its claims pursuant to 11 U.S.C. §§ 541, 547 and 548.

**6. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case.** This factor does not favor stay relief because if Debtor's claims are related to its intended motion to assume the lease, without which it will not be able to reorganize.

**7. The substance rather than form of an asserted "core" proceeding.** This factor favors stay relief. Debtor's breach of lease action as stated above is noncore. However, as also noted above, the outcome of this action which is related to the lease may have substantial impact on the outcome of Debtor's efforts to reorganize in this Chapter 11 bankruptcy case.

**8. The feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court.** This factor does not favor stay relief because Debtor's breach of lease action and the bankruptcy law matter of lease assumption appear to be interrelated.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Wednesday, January 30, 2019

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11:00 AM

CONT... 8800 LLC

Chapter 11

**9. The burden on the bankruptcy court's docket.** This factor is neutral.

**10. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties.** This factor favors stay relief because arguably, Debtor is engaging in forum shopping because that it removed the breach of lease action to this court after a trial in Landlord's related unlawful detainer action was set in state court.

**11. The existence of a right to a jury trial.** This factor favors stay relief. Landlord probably has a right to a jury trial on Debtor's breach of lease action against it, though Landlord can exercise any rights to a jury trial in that action pursuant to Fed. R. Bankr. P. 9015 and Fed. R. Civ. P. 38(b).

**12. The presence in the proceeding of nondebtor parties.** This factor does not favor stay relief since Debtor and Landlord are the only parties involved in the removed action.

In weighing the various stay relief factors, the court is inclined to deny the remand motions under the circumstances of this case because the resolution of Debtor's breach of lease claims may substantially impact Debtor's ability to effectively reorganize because it is related to its bankruptcy claims of lease assumption and transfer avoidance can and should be litigated in a single forum to effectuate the purposes of the Bankruptcy Code which include "[c]entralization of disputes concerning a debtor's legal obligations" and "protecting creditors and reorganizing debtors from piecemeal litigation." *In re Thorpe Insulation Co.*, 671 F.3d 1011, 1022-1023 (9<sup>th</sup> Cir. 2012).

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| <b>Party Information</b> |
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**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#16.70** Cont'd status conference re: Management of chapter 11 case  
fr. 10/25/18, 1/9/19, 1/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits.  
Appearances are required on 9/12/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, January 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

Adv#: 2:18-01237 TMC Realty, LLC v. 8800 Sunset LLC et al

**#16.80** Cont'd status conference re: Removal Of Civil Action Under 28 U.S.C. § 1452(a)  
fr. 10/25/18, 1/9/19, 1/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Updated tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

No tentative ruling as of 9/10/18. Appearances are required on 9/11/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**Defendant(s):**

8800 Sunset LLC

Represented By

**United States Bankruptcy Court  
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**CONT... 8800 LLC**

**Chapter 11**

Jeffrey S Kwong  
Martin J Brill  
David B Golubchik

8800 LLC

Represented By  
Jeffrey S Kwong  
Martin J Brill  
David B Golubchik

**Plaintiff(s):**

TMC Realty, LLC

Pro Se



**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

11:30 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#17.00** Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution  
fr. 11/7/18, 11/14/18, 11/28/18

Docket 103

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on 11/28/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 11/5/18. Off calendar. Continued on the court's own motion to 11/14/18 at 11:00 a.m. No appearances are required on 11/7/18.

Prior tentative ruling. Continued on the court's own motion by written order to 11/7/18 at 10:00 a.m. No appearances are required on 10/24/18.

**Party Information**

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

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11:30 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Wednesday, January 30, 2019

Hearing Room 1675

11:30 AM

**2:18-11525 Shahriar Joseph Zargar**  
Adv#: 2:18-01144 Shadsirat v. Zargar et al

**Chapter 11**

**#18.00** Cont'd hearing re: Plaintiff's motion for this court to abstain, or in the alternative, to stay adversary proceeding fr. 11/13/18, 11/28/18

Docket 31

**\*\*\* VACATED \*\*\* REASON: Order to abstain is granted per order entered on 12/7/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. The court has granted abstention by prior order. No appearances are required on 1/30/19.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on 11/28/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required on 11/14/18.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
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**Wednesday, January 30, 2019**

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11:30 AM

**CONT... Shahriar Joseph Zargar**

**Chapter 11**

**Defendant(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

Shabnam Mesachi

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
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11:30 AM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

**#19.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 7/17/18, 10/16/18, 1/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Defendant(s):**

Shahriar Joseph Zargar

Pro Se

Shabnam Mesachi

Pro Se

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
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11:30 AM

**CONT... Shahriar Joseph Zargar**

**Chapter 11**

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
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Los Angeles  
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1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#20.00** Order to show cause why this chapter 11 case should not be dismissed or converted to chapter 7 for cause

Docket 612

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m.  
per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19.  
No appearances are required on 1/30/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#21.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 11/29/18, 12/13/18, 12/19/18

Docket 390

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m. per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as



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**CONT... Curtis C. Magleby**

**Chapter 11**

required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather

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**CONT... Curtis C. Magleby**

**Chapter 11**

than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#22.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 11/13/18, 12/19/18

Docket 548

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m.  
per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#23.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA Accountancy, LLP  
fr. 12/19/18

Docket 594

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m.  
per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, January 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#24.00** Cont'd hearing re: Disclosure statement  
fr. 11/29/18, 12/13/18, 12/19/18

Docket 174

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m.  
per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits.  
Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

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**CONT... Curtis C. Magleby**

**Chapter 11**

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

**#25.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 11/29/18, 12/13/18, 12/19/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 1/30/19 to 2/27/19 at 1:30 p.m.  
per order entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/28/19. Off calendar. Continued to 2/27/19 at 1:30 p.m. by order entered on 1/10/19. No appearances are required on 1/30/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a



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1:30 PM

**CONT...**

**Curtis C. Magleby**

**Chapter 11**

joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

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CONT... Curtis C. Magleby

Chapter 11

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**Thursday, January 31, 2019**

**Hearing Room 1675**

9:00 AM

**2:15-10768 Brian J Cook**

**Chapter 7**

Adv#: 2:15-01323 Franowicz et al v. Cook

**#1.00** Hearing re: Motion in limine to exclude Ron Hacker as a fact witness at trial

Docket 106

**Tentative Ruling:**

No tentative ruling as of 1/24/19. Appearances are required on 1/31/19.

**Party Information**

**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran  
Theresa J Macellaro  
Rosaline S Ayoub

**Defendant(s):**

Brian J Cook

Pro Se

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran  
Theresa J Macellaro

**Plaintiff(s):**

Edward Franowicz

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretizian  
Paul R Shankman  
Rachel M Sposato

Larissa Gallagher

Represented By

**United States Bankruptcy Court  
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9:00 AM

**CONT... Brian J Cook**

**Chapter 7**

James Andrew Hinds Jr  
Brian Barouir Yeretzian  
Paul R Shankman  
Rachel M Sposato

**Trustee(s):**

Heide Kurtz (TR)

Represented By  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Thursday, January 31, 2019

Hearing Room 1675

9:00 AM

2:15-10768 Brian J Cook

Chapter 7

Adv#: 2:15-01323 Franowicz et al v. Cook

**#2.00** Hearing re: Motion in limine to admit trial exhibits ( 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 41, 48, 57, 58, 62, 65, 66, 71, 72, 73, 74, 75, 76, 78, 82 and 92) over objection of Brian Cook

Docket 104

**Tentative Ruling:**

No tentative ruling as of 1/24/19. Appearances are required on 1/31/19.

**Party Information**

**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran  
Theresa J Macellaro  
Rosaline S Ayoub

**Defendant(s):**

Brian J Cook

Pro Se

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran  
Theresa J Macellaro

**Plaintiff(s):**

Edward Franowicz

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretizian  
Paul R Shankman  
Rachel M Sposato

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

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9:00 AM

**CONT... Brian J Cook**

**Chapter 7**

Larissa Gallagher

Represented By

James Andrew Hinds Jr

Brian Barouir Yeretzian

Paul R Shankman

Rachel M Sposato

**Trustee(s):**

Heide Kurtz (TR)

Represented By

Lei Lei Wang Ekvall

Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, January 31, 2019**

**Hearing Room 1675**

9:00 AM

**2:15-10768 Brian J Cook**

**Chapter 7**

Adv#: 2:15-01323 Franowicz et al v. Cook

**#3.00** Hearing re: Motion in limine to admit trial exhibits (93, 94, 249, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281 and 282) over objection of Brian Cook

Docket 105

**Tentative Ruling:**

No tentative ruling as of 1/24/19. Appearances are required on 1/31/19.

**Party Information**

**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran  
Theresa J Macellaro  
Rosaline S Ayoub

**Defendant(s):**

Brian J Cook

Pro Se

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran  
Theresa J Macellaro

**Plaintiff(s):**

Edward Franowicz

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretian  
Paul R Shankman  
Rachel M Sposato

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**CONT... Brian J Cook**

**Chapter 7**

Larissa Gallagher

Represented By

James Andrew Hinds Jr

Brian Barouir Yeretzian

Paul R Shankman

Rachel M Sposato

**Trustee(s):**

Heide Kurtz (TR)

Represented By

Lei Lei Wang Ekvall

Kyra E Andrassy



**United States Bankruptcy Court  
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**Thursday, January 31, 2019**

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9:00 AM

**2:15-10768 Brian J Cook**

**Chapter 7**

Adv#: 2:15-01323 Franowicz et al v. Cook et al

**#4.00** TRIAL RE: Complaint for nondischargeability of debt pursuant to 11 U.S.C. §523(a)(2) fr. 4/10/18, 6/26/18, 10/2/18

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 1/28/19. No tentative ruling will be issued for the trial. The trial will begin at 9:00 a.m. and will conclude for the day at 2:00 p.m. due to the court's scheduling conference. If not completed, the trial will resume on 2/1/19 at 9:00 a.m. Appearances are required on 1/31/19

Prior tentative ruling as of 1/24/19. No tentative ruling will be issued for the trial. If the trial is not concluded by 1/31/19, the continuation of the trial will be postponed due to the partial government shutdown resulting from a lapse of appropriations, which bars the judiciary from working on matters that are not excepted from the Anti-Deficiency Act, 31 U.S.C. 1342, based on emergencies involving safety of human life or the protection of property. In the court's view, this matter does not fall within an exception to the Anti-Deficiency Act, and due to the lack of funding of normal judiciary functions after 1/31/19, this matter will be stayed after 1/31/19 until the resumption of normal government funding. Parties may appear and be heard on the court's tentative ruling as to a stay of proceedings after 1/31/19, and if the matter is stayed, the court will discuss setting of future trial dates. Appearances are required on 1/31/19.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/2/18.

Prior tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/26/18.

Prior tentative ruling as of 4/9/18. The court has reviewed the joint pretrial

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**CONT...**

**Brian J Cook**

**Chapter 7**

stipulation, and after its review, the court is of the opinion that the matter is not ready for trial. The parties have indicated that expert discovery has not been completed. Plaintiffs have stated that they will call expert witnesses at trial, and defendant reserved his right to do so. The court believes that the parties should disclose the identity of their expert witnesses and be required for such expert witnesses to produce their expert reports, and a deposition schedule be set. As to evidentiary objections to exhibits, the parties have each stated that they reserve all objections to some exhibits, which is not permitted by the court's rules and procedures, and the court will disregard the reservation of rights to object, which means that the parties asserting an objection must state specific grounds for an objection or the objections based on reservations of rights will be overruled, and such exhibits will be received into evidence. The court will allow parties some time to interpose objections based on specific grounds as to those exhibits. As to presentation of deposition testimony, plaintiffs state that they will object to the use of deposition testimony of plaintiffs, but do not state a reason. It appears to the court that the parties should mark and countermark deposition transcripts in accordance with the court's local rules and the parties can interpose objections to admission of deposition testimony at that time. In the joint pretrial stipulation, defendant stated that the trial should be bifurcated to first determine the existence of a debt and then determine whether such debt is dischargeable, but plaintiffs stated no position as to bifurcation. The court is not inclined to bifurcate the trial since there is no apparent benefit to the court or the parties by doing so, but plaintiffs will need to state their position on the issue. The parties should be prepared to discuss scheduling of expert discovery, submission of an amended joint pretrial stipulation and dates for a further pretrial conference. Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits. Appearances are required on 12/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 10/16/17. Appearances are required on 10/17/17, but counsel may appear by telephone.

No updated tentative ruling as of 8/7/17. The court has reviewed plaintiffs'

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9:00 AM

CONT...

**Brian J Cook**

**Chapter 7**

status report stating that they intend to proceed with prosecution of the adversary complaint. According to the status report, plaintiffs seek specified damages of \$32,018.06 for rent and settlement costs, plus an unspecified amount of damages for attorneys' fees they have incurred. Plaintiffs should be prepared to disclose: (1) the amount of attorneys' fees that they incurred and are seeking an award and (2) the substantive legal basis for an award of attorneys' fees because none was alleged in the complaint or specified in the purchase and sale agreement for the subject property (preliminarily, the court is of the view that the attorneys' fees clause in the lease agreement would not apply since the alleged fraud was with the purchase and sale agreement). Appearances are required on 8/8/17 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 6/26/17. The court has reviewed the joint pretrial stipulation. No tentative ruling on the merits. The court will discuss the issues raised in the joint pretrial stipulation regarding the effect of the approval of the settlement between trustee and the Franowicz/Gallagher parties. Appearances are required on 6/27/17.

Prior tentative ruling as of 5/26/17. Off calendar. Continued to 6/27/17 at 2:00 p.m. as stated orally at a hearing on trustee's motion to approve settlement with Franowicz/Gallagher parties in the main bankruptcy case on 5/15/17. No appearances are required on 5/30/17.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/21/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/13/17. The court has reviewed the joint status report. Appearances are required on 1/17/17 to discuss scheduling of further proceedings, including a pretrial conference.

Prior tentative ruling as of 5/27/16. Set discovery completion date of 12/31/16 and set a post-discovery status conference for 1/17/17 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 9/30/16 and to complete mediation by 1/17/17. Appearances are required on 5/31/16, but counsel

**United States Bankruptcy Court  
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Thursday, January 31, 2019

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CONT...

**Brian J Cook**

**Chapter 7**

may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling as of 2/22/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 2/24/16 to address scheduling and referral to mediation, but counsel may appear by telephone.

Prior tentative ruling as of 12/14/15. Treat as contested matter under FRBP 9014. No tentative ruling on the merits. Appearances are required on 12/16/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 11/23/15. Off calendar. This matter is trailed with the pretrial conference on creditors' motion to dismiss the bankruptcy case and debtors' motion to reject executory contract, which have been continued by stipulation and order to 12/15/15 at 2:00 p.m. No appearances are required on 11/24/15.

Prior tentative ruling as of 10/9/15. Off calendar. Continued to 11/24/15 at 2:00 p.m. on the court's own motion at a hearing in the bankruptcy case on 10/6/15. No appearances are required on 10/13/15.

Prior tentative ruling. The court has reviewed the joint status report requesting that the status conference be continued until after the evidentiary hearing on creditors' motion to dismiss the underlying bankruptcy case is conducted. Appearances are required on 8/25/15 to discuss scheduling, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran

**Defendant(s):**

Brian J Cook

Represented By  
Rex Tran

**United States Bankruptcy Court  
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Los Angeles  
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**CONT...**      **Brian J Cook**  
Victoria Velasquez Cook

**Chapter 7**

Represented By  
Andrew Goodman  
Rex Tran

**Interested Party(s):**

Courtesy NEF

Represented By  
Theresa J Macellaro

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran

**Plaintiff(s):**

Edward Franowicz

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretzian  
Paul R Shankman

Larissa Gallagher

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretzian  
Paul R Shankman

**Trustee(s):**

Heide Kurtz (TR)

Represented By  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Friday, February 1, 2019**

**Hearing Room 1675**

9:00 AM

**2:15-10768 Brian J Cook**

**Chapter 7**

Adv#: 2:15-01323 Franowicz et al v. Cook et al

**#1.00** CONT'D TRIAL RE: Complaint for nondischargeability of debt pursuant to 11 U.S.C. §523(a)(2) fr. 6/26/18, 10/2/18, 1/31/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 1/28/19. No tentative ruling will be issued on the merits for trial. Appearances are required on 2/1/19 if the trial is not concluded by 1/31/19.

Prior tentative ruling. No tentative ruling will be issued on the merits for the trial. If the trial is not concluded by 1/31/19, the continuation of the trial after 1/31/19 will be postponed due to the partial government shutdown resulting from a lapse of appropriations, which bars the judiciary from working on matters that are not excepted from the Anti-Deficiency Act, 31 U.S.C. 1342, based on emergencies involving safety of human life or the protection of property. This matter does not fall within an exception to the Anti-Deficiency Act, and due to the lack of funding of normal judiciary functions after 1/31/19, this matter will be stayed after 1/31/19 until the resumption of normal government funding. Appearances are not required on 2/1/19 absent resumption of normal government funding.

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| <b>Party Information</b> |
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**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran

**Defendant(s):**

Brian J Cook

Represented By  
Rex Tran

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Friday, February 1, 2019**

**Hearing Room 1675**

9:00 AM

**CONT... Brian J Cook**

**Chapter 7**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Rex Tran

**Interested Party(s):**

Courtesy NEF

Represented By  
Theresa J Macellaro

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran

**Plaintiff(s):**

Edward Franowicz

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretzian  
Paul R Shankman

Larissa Gallagher

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretzian  
Paul R Shankman

**Trustee(s):**

Heide Kurtz (TR)

Represented By  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Tuesday, February 5, 2019

Hearing Room 1675

10:30 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(Behrouz Shadsirat VS Debtors)

Docket 146

**Tentative Ruling:**

No tentative ruling on the merits. The record is unclear as to what the fees are owed to the discovery referee. The referee's invoice refers to a fee retainer of \$10,000 allocated among the parties in the state court litigation, but it is unclear whether the fees are for work already performed prepetition or postpetition, or to be performed postpetition, that is, raising the question whether the fees are a prepetition or a postpetition claim subject to the automatic stay either as enforcement of a prepetition claim or enforcement of a claim, whether prepetition or postpetition, against property of the estate. It would be helpful for counsel to explain the status of the proceedings before the discovery referee, so the court can determine whether the situation is more like *In re Berg*, 230 F.3d 1165 (9th Cir. 2000) or more like *NLRB v. Continental Hagen Corp.*, 932 F.2d 828 (9th Cir. 1991). Also, it would be helpful for counsel to explain what happens to the discovery dispute litigation if the fees are not paid by debtors. Apparently, the state court is concerned about prospectively engaging in conduct that may be violative of the stay in enforcing a claim against property of the estate. Appearances are required on 2/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow



**United States Bankruptcy Court  
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**Tuesday, February 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23095 Lyle Lagarde**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(The Bank of New York Mellon VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. See *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Lyle Lagarde

Represented By  
Erika Luna

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, February 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23551 Chashon E Presley**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Veros Credit, LLC VS Debtor)

Docket 7

**Tentative Ruling:**

Movant has not provided adequate evidence of standing, relying upon unauthenticated and inadmissible title report provided by nongovernmental business. FRE 901 and 902. Movant should provide copy of certificate of title from official government source such as California Department of Motor Vehicles to demonstrate standing. Otherwise, no tentative ruling. Appearances are required on 2/5/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                   |        |
|-------------------|--------|
| Chashon E Presley | Pro Se |
|-------------------|--------|

**Trustee(s):**

|                    |        |
|--------------------|--------|
| Carolyn A Dye (TR) | Pro Se |
|--------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10268 Primitiva, Inc.**

**Chapter 7**

**#3.10** Hearing re: Motion for relief from stay  
(Wynkoop Properties, LLC VS Debtor)

Docket 10

**Tentative Ruling:**

No tentative ruling will be issued on the motion heard on shortened notice.  
Appearances are required on 2/5/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Primitiva, Inc.

Represented By  
Peter M Lively

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, February 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/5/18, 12/12/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. The court has reviewed debtor's status report requesting to be heard on the hardship caused by the delay of decision of Phase I of the trial. To bring this matter promptly to conclusion, the court is of the view that Phase II of the trial is probably needed and suggests that the parties to the dispute of debtor's objection to the claim of the IRS, debtor and the government, consider when Phase II can be scheduled and how long it will take (perhaps in March, April or May 2019). The issues relating to Phase II concern factual disputes whether debtor materially participated in the various business enterprises to warrant the business loss deductions, and the court expects that the witnesses would primarily be debtor and those who worked with him in these business enterprises and that the documentary evidence to be offered would be records of the various business enterprises to show his material participation. It seems to the court that debtor was not required to keep contemporaneous daily time reports or logs to substantiate his business activities to demonstrate material participation and may demonstrate it by reasonable means, such as business records and witness testimony showing his business activities to show material participation, which may include his management activities.

If counsel for both debtor and the government appear for the status conference, a date for a status conference can be set, so a trial schedule can be set, or if only counsel for debtor appears, then counsel for debtor can give notice of a status conference to set a trial schedule. The documentary evidence is probably voluminous, which may require a further pretrial conference to consider how to handle for trial.

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**Tuesday, February 5, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Dale Alfred Williams**

**Chapter 11**

To expedite a final determination, the court will issue a written decision on Phase I and will treat it as a tentative decision subject to final ruling after Phase II is completed. This means the parties can make further arguments on the Phase I rulings before a final ruling is made on the matter after Phase II. In this regard, it would be helpful for counsel for debtor to upload his Phase I proposed findings of fact and conclusions of law, which were filed, but not uploaded, so the court can review for possible adoption.

The court is of the view that since this is a tentative refund situation, the IRS properly assessed the tax without having to follow deficiency procedures, 26 U.S.C. §6213(b)(3). *Blansett v. United States*, 283 F.2d 474 (8<sup>th</sup> Cir. 1960), cited in 1 *Casey*, Federal Tax Practice, §6:21 (November 2018 update), also citing, *Rushlight Automatic Sprinkler Co. v. United States*, 294 F.2d 572 (9<sup>th</sup> Cir. 1961)(United States entitled to maintain action for recovery of erroneous refund without previous deficiency notice). Thus, the assessment is not late based on failure to comply with deficiency procedures. Under the traditional rule governing burden of proof of assessed taxes, the taxpayer bears the burden of proving the assessments are arbitrary or erroneous. E.g., *United States v. Molitor*, 337 F.2d 917 (9<sup>th</sup> Cir. 1964). (However, due to enactment of 26 U.S.C. §7491 in 1998, the burden of proof may be different where the taxpayer produces credible evidence with respect to any factual issues relevant to ascertaining the liability of the taxpayer for any tax imposed under subtitle A or B of the Internal Revenue Code, including income taxes, but neither party addressed this statute in the proposed findings of fact and conclusions of law.)

If allowable, the tax claim would be entitled to priority status under 11 U.S.C. §507(a)(8)(A)(iii) as not assessed before, but assessable, under applicable law after the commencement of the case.

The court is also of the view that debtor has not met his burden of proving by a preponderance of the evidence that he timely made the election under 26 U.S.C. §469 and that the government does not have the burden of proving

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**CONT... Dale Alfred Williams**

**Chapter 11**

that he did not make a timely election based on lack of retention of the tax return which he alleged to have made the election.

However, the court is of the view that debtor could and did properly request the late entity aggregation election under Rev. Proc. 2011-34, which the IRS could and did exercise its discretion for tax years not in litigation (neither 2010 nor 1994 specifically was a tax year is in litigation referred by the IRS to the Justice Department) to grant the request and to notify that debtor as the taxpayer that the procedural requirements of Section 4.02 of the revenue procedure were met and that the taxpayer is to be treated as having made a timely election to treat all interests in rental real estate as a single rental real estate activity for which the late election back to 1994 was requested in the attachment to the amended 2010 return making the request. However, as specified in the section 5 of revenue procedure, such acceptance is not a determination of whether he is eligible to treatment based on the election, which presents factual issues for the tax years in litigation, and the government through the Justice Department can dispute debtor's eligibility for Rev. Proc. 2011-34 for the years in litigation referred to it, and whether debtor satisfied the requirements of 26 U.S.C. §469(c)(7)(B) or whether he materially participates in any activity. Rev. Proc. 2011-34, §5. The proposed findings of fact on both sides are not specific enough to completely address whether debtor has satisfied these requirements. See, e.g., Estate of Ramirez, T.C. Memo. 2018-196 (2018)(an example regarding specific facts measured against eligibility criteria of Section 4.01 of Rev. Proc. 2011-34 for aggregation treatment).

The court has jurisdiction to determine the tax under 11 U.S.C. §505 as set forth on the proof of claim, and in determining the amount, the court may determine whether or not debtor is eligible for treatment based on the late aggregation election under Rev. Proc. 2011-34, and the so-called "new" issues to determine the correct tax liability based on the amount of the correct tax refund amount. See Lewis v. Reynolds, 284 U.S. 281, 283 (1932).

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**Chapter 11**

Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/22/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

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**CONT... Dale Alfred Williams**

**Chapter 11**

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 4/25/18 at 11:30 a.m. No appearances are required on 3/27/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 3/28/18 at 11:30 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/8/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 2/28/18 at 11:30 a.m. No appearances are required on 1/10/18.

Prior tentative ruling as of 9/11/17. Off calendar. In light of the pending motion of the United States Trustee to dismiss or convert now set for hearing on 10/25/17 at 11:30 a.m., the court on its own motion continues the status conference to 10/25/17 at 11:30 a.m. No appearances are required on 9/13/17.

Prior tentative ruling as of 4/3/17. Off calendar. In light of the pendency of the litigation proceedings involving debtor's objection to the tax claims, the court on its own motion continues the status conference to 9/13/17 at 11:00 a.m. No appearances are required on 4/5/17.

Prior tentative ruling as of 12/12/16. The court has reviewed debtor's post-



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**CONT... Dale Alfred Williams**

**Chapter 11**

confirmation status report. No tentative ruling on the merits. Appearances are required on 12/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 6/15/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/14/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/16/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 3/9/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of litigation disputes of debtor's objection to the IRS claim and creditor Rory Williams's motion to file late-filed claim. Appearances are required on 3/11/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of debtor's objection to the IRS claim. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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Prior tentative ruling as of 8/25/14. Appearances are required on 8/27/14 to schedule a post-confirmation status conference, but counsel may appear by telephone.

Prior tentative ruling. The court continues on its own motion the status conference to 8/27/14 at 11:00 a.m. at which time the court will set a post-confirmation status conference in November 2014 since a post-confirmation status conference was not set at the confirmation hearing on 7/24/14. No appearances are required on 8/21/14

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

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**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#5.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 1/8/19

Docket 96

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/5/19 to 4/2/19 at 10:30 a.m.  
per stip & order entered on 2/1/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No updated tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone,

Prior tentative ruling. Service of the motion is deficient since there is no proof of service on the 20 largest unsecured creditors as required by FRBP 4001(a) (1) and 1007(d). The motion appears to be a contested matter under FRBP 9014 with respect to the purpose of stay relief to allow the civil contempt proceeding to go forward in state court whether for the purpose of collecting on the judgment and vindicating private rights or for the purpose of effectuating public policy to deter "unprofessional conduct." In re Dingley, 852 F.3d 1143, 1146-1147 (9th Cir. 2017); see also, Kukui Gardens Corp. v. Holco Capital Group, Inc., 675 F.Supp.2d 1016, 1025-1029 (D. Haw. 2009). Most likely, the court will have to set an evidentiary hearing after proper notice is given to creditors. Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01144 Alde Financial Group, LLC v. Martinez

**#6.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §523(a)(2)(A)]  
fr. 7/10/18, 9/4/18, 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. The parties filed a stipulation to resolve the adversary proceeding, but the proposed order on the stipulation may have been rejected because the case docket reflects that defendant is represented by counsel, but in reviewing the case docket and pleadings in this matter, defendant is representing himself, and not by counsel, in this matter, and the case docket is incorrect. The proposed order on the stipulation should be relogged for review and approval by the court. Appearances are required on 2/5/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

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**Chapter 7**

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. The court has reviewed the joint status report. Appearances are required on 11/14/17 to discuss the possibility of joint mediation, scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone. The consensus of the parties seems to be a discovery cutoff date of March 2018, i.e., March 31, 2018, a pretrial conference in April 2018, and a trial date in June 2018. The parties should be prepared to discuss how the case should be tried, given there are 6 sets of plaintiffs, and the length of trial, so that all parties have a full and fair opportunity to present their various cases. Perhaps it would be helpful to consider trying certain claims based on commonality of witnesses and facts, such as the particular type of investment vehicle involved. Defendant indicated an interest in mediation, but plaintiffs indicated no interest in mediation, and the court would like to hear from plaintiffs why mediation would not be helpful in resolving their claims, given that collectibility of defendant is probably an issue.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 9/1/17 and a further postdiscovery status conference for 9/26/17 at 1:30 p.m. with a joint status report due on 9/19/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 9/26/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Chapter 7**

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Alde Financial Group, LLC

Represented By  
Timothy J Silverman

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01146 Karen Baird v. Martinez

**#7.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §523(a)(2)(A)]  
fr. 7/10/18, 9/4/18, 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. The parties filed a stipulation to resolve the adversary proceeding, but the stipulation was deficient because it lacked defendant's counsel's signature since defendant is represented by counsel in this matter as indicated by a prior substitution of counsel. The stipulation should be refiled with counsel's signature. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

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**Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 9/1/17 and a further postdiscovery status conference for 9/26/17 at 1:30 p.m. with a joint status report due on 9/19/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 9/26/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Karen Baird

Represented By  
Timothy J Silverman

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01147 Hinojos v. Martinez

**#8.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
fr. 7/10/18 9/4/18, 11/13/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stipulated Judgment entered on 1/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Stipulated judgment entered. No appearances are necessary.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

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CONT... **Anthony Roy Martinez** **Chapter 7**

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Ezequiel Hinojos

Represented By  
Thomas Spielbauer  
Thomas Spielbauer

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01149 Van v. Martinez

**#9.00** Cont'd pretrial conference re: Complaint for denial of discharge of debt  
fr. 7/10/18, 9/4/18, 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/13/18 to discuss the status of the mediation  
and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits.  
Appearances are required on 9/4/18 to discuss the status of the mediation,  
but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial  
stipulation filed on 7/3/18. The joint pretrial stipulation will need revision  
because it does not contain all the statements required for a joint pretrial  
stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is  
incomplete as stated in the joint pretrial stipulation and the exhibit list is  
incomplete because not all of the exhibits are specifically listed and no  
objections to the exhibits are stated unless the parties waive objections.  
Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation  
and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and  
order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation  
and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18,

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but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the status reports filed by the parties. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Sandy Van

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01157      Wideload Investments, LLC et al v. Martinez

**#10.00**      Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
                 [11 U.S.C. §523(a)(2)(A)]  
                 fr. 7/10/18, 9/4/18, 11/13/18

Docket      1

**\*\*\* VACATED \*\*\* REASON: Judgment entered on 1/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Stipulated judgment entered. No appearances are necessary.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation

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**CONT... Anthony Roy Martinez Chapter 7**

and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Wideload Investments, LLC

Represented By  
Ryan A. Ellis

Benjamin Rudnitsky

Represented By  
Ryan A. Ellis

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01158 Carter et al v. Martinez

- #11.00** Cont'd pretrial conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)2)(A) & (6)] fr. 7/10/18, 9/4/18, 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/18. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/19/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/18/18. No tentative ruling on the merits. Appearances are required on 6/19/18, but counsel may appear by telephone.

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**CONT...**

**Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report filed by defendant. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Lance Carter

Represented By  
Dana M Douglas

Jean Holmes

Represented By  
Dana M Douglas

Carriage Estates LLC

Represented By  
Dana M Douglas



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**CONT... Anthony Roy Martinez**

**Chapter 7**

Adamantine Investments LLC

Represented By  
Dana M Douglas

Sterling Holdings LLC

Represented By  
Dana M Douglas

Lance Carter IRA 419990

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:18-18266 Cynthia Diane Seten**

**Chapter 7**

**#12.00** Cont'd further order to show cause re: dismissal for failure to comply with Rule 1006(b)  
fr. 8/28/18, 10/23/18, 1/8/19

Docket 31

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Appearances are required on 2/5/19.

Prior tentative ruling as of 1/7/19. Appearances are required on 1/8/19.

No tentative ruling as of 10/22/18. Appearances are required on 10/23/18.

**Party Information**

**Debtor(s):**

Cynthia Diane Seten

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

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**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#13.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 3/5/18, 4/10/18. 10/16/18

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/5/19 to 4/30/19 at 2:00 p.m.  
per order entered on 1/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 4/30/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 10/15/18. Off calendar. Continued by stipulation and order to 2/5/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits. Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 2/7/18 at 2:00 p.m. No appearances are required on 2/24/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

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**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#14.00** Status conference re: Motion for issuance of order directing Nobel Textile, Inc. and its counsel, Nico Tabibi of Law Offices of Nico N. Tabibi, APC, to show cause why they should not be held in civil contempt for willful violation of the automatic stay fr. 12/18/18

Docket 47

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling. There is no proof of service that debtor served respondent and its counsel as ordered by the court in the order to show cause, and therefore, the court will continue the hearing so debtor can make such service (despite BNC notice). Otherwise, no tentative ruling on the merits. Appearances are required on 12/18/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

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**2:16-25444 Wladimir John Klimenko**

**Chapter 7**

**#15.00** Hearing re: Trustee's motion to determine amount of potential secured claim

Docket 185

**Tentative Ruling:**

Grant trustee's motion to determine amount of potential secured claim for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 2/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Wladimir John Klimenko

Represented By  
William J Smyth  
Tina H Trinh

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
D Edward Hays  
Sarah Cate Hays  
Laila Masud

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**2:17-23722 Kody Branch of California, Inc.**

**Chapter 7**

**#16.00** Hearing re: Motion for order (1) designating Mr. Tony Trinh as person responsible for debtor pursuant to Federal Rule of Bankruptcy Procedure 9001(5)(A); and (2) compelling debtor to turn over books and records

Docket 275

**Tentative Ruling:**

As to debtor, grant trustee's motion to compel debtor to turn over books and records for the reasons stated in the moving papers and for lack of timely written opposition to this aspect of the motion. Debtor is ordered to designate a representative to produce the books and records demanded by trustee and so produce such records.

An opposition was filed by Tony Trinh, president and sole shareholder of debtor, to the motion as to him, but not as to debtor. As to Trinh, overrule his objections to the motion and grant the motion as to him for the reasons stated by trustee in his moving and reply papers and designate him as the representative of debtor to produce its books and records because the records requested by trustee are records of debtor, a corporation, and not records of Trinh personally, and as president of debtor, it appears that he is a custodian of records of debtor with custody and possession of the books and records of debtor in a representative capacity for debtor. His personal Fifth Amendment privilege against self-incrimination is not implicated by the act of production in a representative capacity since the act of production is that of the corporation, and not him personally. *Braswell v. United States*, 487 U.S. 99, 117-118 (1988). Moreover, Trinh's Fifth Amendment privilege against self-incrimination is not otherwise implicated because trustee in his motion only seeks the production of documents by and on behalf of the debtor, a corporation, and does not seek Trinh's testimony. *Id.* Trinh may not claim his personal right to privacy under California law in the records of the debtor because such records are not his records, but the debtor's as a corporation, and thus, he lacks standing to assert any rights to privacy in its books and records. The case cited by Trinh, *In re Lopez*, 532 B.R. 140 (Bankr. C.D. Cal. 2015) is not applicable because that case involved the bankruptcy case of an individual debtor and not the bankruptcy case of a corporation debtor, which

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**CONT... Kody Branch of California, Inc.**

**Chapter 7**

is the situation here, and related to an issue not presented in this case, that is, whether the invocation of a Fifth Amendment privilege can serve as the basis for denial of a discharge under 11 U.S.C. 727.

Deny trustee's request for advance authorization of an application seeking the issuance of an order to show cause against debtor and Trinh for contempt with a hearing to be held on an emergency basis for lack of good cause. Debtor and Trinh should be given reasonable time to comply with the order for turnover or production of debtor's books and records, and if the circumstances warrant, trustee may invoke the procedures provided in the Local Bankruptcy Rules 9020-1 and 9075-1 for civil contempt proceedings and hearings on shortened or emergency notice.

Appearances are required on 2/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Kody Branch of California, Inc.

Represented By  
John-Patrick M Fritz

**Trustee(s):**

Wesley H. Avery

Represented By  
Kristofer R McDonald  
Richard A Marshack  
D Edward Hays

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**2:17-23722 Kody Branch of California, Inc.**

**Chapter 7**

**#17.00** Hearing re: Motion for order compelling Lighthouse Consultants, Inc., to turn over books and records pursuant to 11 U.S.C. §542(e)

Docket 278

**Tentative Ruling:**

Grant trustee's motion to compel turnover of books and records by debtor's accountant, Lighthouse Consultants, Inc., for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 2/5/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Kody Branch of California, Inc.

Represented By  
John-Patrick M Fritz

**Trustee(s):**

Wesley H. Avery

Represented By  
Kristofer R McDonald  
Richard A Marshack  
D Edward Hays



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**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#1.00** Hearing re: Application for payment of final fees and/or expenses for Simon Aron  
(11 U.S.C. §330)

Docket 2419

**Tentative Ruling:**

Approve final fee application of Simon Aron as responsible officer for the reasons stated in the fee application and for lack of timely written objection, but no tentative ruling with respect to arrangement of payment of allowed fees based on comments of plan agent in his reply to the application.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case fr. 11/7/18, 12/5/18, 12/12/18

Docket 479

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Updated tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

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**Chapter 11**

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. Appearances are required on 3/22/17.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. The court has concerns regarding the propriety of a "structured" dismissal (called "conditional" dismissal in the moving papers), i.e., whether the record is sufficient to warrant deviation from the normal procedures expressly provided in the Bankruptcy Code, i.e., a liquidating plan, case conversion or straight dismissal without conditions, or whether more broadly, whether structured dismissals are permitted at all, which may be at issue before the Supreme Court in *In re Jevic Holding Corp.*, 787 F.3d 173 (3rd Cir. 2015), cert. granted, *Czyzewski v. Jevic Holding Corp.* 136 S.Ct. 2541 (2016). See also, Transcript of Oral Argument, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (S.Ct., argued December 7, 2016); see also, e.g., Salerno, Hansen, Meyer, Schuster and Barsharis, *Advanced Chapter 11 Bankruptcy Practice*, Section 12.22 (2nd ed. online, 2016 Cum. Supp.); Greenberg, Smith and Taylor, "The Elephant Hiding in the Mousehole": *In re Jevic*, 2016 No. 10 Norton Bankr. L. Adviser NL 1 (online ed., October 2016); Pernick and Dean, "Structured Chapter 11 Dismissals: A Viable and Growing Alternative After Asset Sales," 29 *Am. Bankr. Inst. J.* 1 (June 2010); Eitel, Tinker and Lambert, "Structured Dismissals, or Cases Dismissed Outside of Code's Structure?", 30 *Am.*

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**Chapter 11**

Bankr. Inst. J. 20 (March 2011). Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr. 11/7/18, 12/5/18, 12/12/18

Docket 482

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. The court is still deliberating after trial and does not expect a decision by 12/31/18, most likely, January 2019. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/1/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the

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**Chapter 11**

hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. Updated tentative ruling as of 5/11/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Ashley McDow. Appearances are required on 5/12/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Marc Benezra. Appearances are required on 5/3/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 11/7/18, 12/5/18, 12/12/18

Docket 157

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Updated tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

Updated tentative ruling as of 4/11/16. Off calendar. The court has reviewed

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/15/14. Appearances are required on 4/16/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan. Debtor has indicated that it intends to revise the disclosure statement to address objections of United States Trustee.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/5/18, 12/12/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are required on 11/7/18 because creditor Zehnaly appeared at the last status conference and may appear to be heard on his claim, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the status conference on its own motion to 12/13/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 12/13/17. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court has reviewed debtor's status report. In that the court is still deliberating on the final fee application of general bankruptcy counsel for debtor, the court continues the status conference on its own motion to 10/25/17 at 1:30 p.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Updated tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.



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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

Prior tentative ruling as of 1/25/16. The court has reviewed debtor's status report. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. No tentative ruling on the merits. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

No updated tentative ruling as of 4/15/14. Appearances are required on 4/16/14.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan.

Prior tentative ruling as of 3/10/14. No tentative ruling on the merits. Appearances are required on 3/12/14, but counsel may appear by telephone.

Updated tentative ruling as of 2/24/14. No tentative ruling on the merits. Appearances are required on 2/5/13, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 2/3/14. The court has reviewed debtor's status report and the comments of the secured creditor on status. No tentative ruling. Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 11/19/13. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 11/20/13, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/13. No tentative ruling on the merits. Appearances are required on 10/9/13.

Updated tentative ruling as of 9/18/13. Off calendar. Continued at hearing on 9/17/13 to 10/9/13 at 11:30 a.m. No appearances required on 9/18/13.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/18/13, but counsel may appear by telephone.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 10/24/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Revised tentative ruling as of 10/23/18. Off calendar. Continued by  
stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required  
on 10/24/18.

Prior tentative ruling as of 6/25/18. Off calendar. Continued by stipulation  
and order to 8/8/18 at 11:00 a.m. No appearances are required on 6/27/18.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/22/18. No tentative ruling on the merits.  
Appearances are required on 1/24/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/23/17. No tentative ruling on the merits.  
Appearances are required on 10/25/17, but counsel may appear by  
telephone.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits.  
Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 6/14/17, but  
counsel may appear by telephone.

**United States Bankruptcy Court  
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11:00 AM

**CONT... Shapphire Resources, LLC**

**Chapter 11**

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| <b>Party Information</b> |
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**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#7.00** Cont'd hearing re: Motion to dismiss chapter 11 bankruptcy  
fr. 10/17/18, 11/7/18, 1/9/19

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/6/19 to 2/27/19 at 11:00 a.m.  
per stip & order entered on 1/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 2/6/19.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 10/17/18. The court retracts its tentative ruling of 10/16/18 because it has authorized debtors to respond orally to the supplemental brief of creditors by time of continued hearing, and to file a written response. Appearances are required on 10/17/18, but the prior tentative ruling on 10/15/18 remains the same.

Updated tentative ruling as of 10/16/18. Debtors filed a surreply brief and request for judicial notice of new matters on 10/15/18, which are not authorized under the court's local rules and for which debtors did not request leave of court to file, and the court will disregard these papers for purposes of the hearing on 10/17/18. Creditors need not respond to debtors' surreply or request for judicial notice at the hearing on 10/17/18, though the court might consider them as debtors' trial brief for the trial that will be set on this contested matter. Otherwise, the court's tentative ruling posted on 10/10/18 will apply.

Prior tentative ruling as of 10/15/18. The court will treat the hearing as a status conference because there are material factual disputes raised by the motion which is a contested matter under Federal Rule of Bankruptcy Procedure 9014 relating to debtors' good faith in filing this case which require

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

an evidentiary hearing to resolve. The court will schedule an evidentiary hearing at the status conference, and the court requests that counsel appear telephonically rather than appear in person to minimize litigation costs.

Regarding the contentions of debtors, the court is of the view that the motion is not untimely and there is no bar of laches because it seems that at any time in this case, parties in interest can move for dismissal, particularly, preconfirmation, that the motion is not a litigation tactic by creditors to gain advantage in the state court, and that debtors can reorganize and confirm a plan is not an undisputed fact and remains to be seen.

Regarding the contentions of creditors, the court is of the view that debtors could propose a confirmable plan through a combination of income and asset sales, particularly as creditors acknowledge that debtors have property equity of over \$1.1 million to fund a plan, that denial of confirmation of the currently proposed plan does not necessarily mean that debtors could not later propose an amended plan that is confirmable, that creditors' opposition to a plan does not necessarily mean that a plan absolutely be confirmed under the cramdown standards of 11 U.S.C. 1129(b), provided that debtors find a way to meet the requirements of the absolute priority rule or qualify for an exemption to the rule, and that whether this is a two-party dispute is a disputed issue of material fact relating to good faith of debtors in filing this case.

If creditors are pressing their motion, the court will ask them for dates for an evidentiary hearing on the disputed material issues of fact, or these issues can be litigated in connection with plan confirmation relating to the disclosure statement and proposed plan now pending.

Appearances are required on 10/17/18, but counsel may and should appear by telephone.

Prior tentative ruling as of 9/17/18. Appearances are required on 9/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

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**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman



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11:00 AM

2:17-17761 Paul Bodeau and Sandra Bodeau

Chapter 11

**#8.00** Cont'd hearing re: Motion for order: (1) approving the adequacy of debtors' chapter 11 disclosure statement describing chapter 11 plan of reorganization; (2) authorizing debtors to solicit acceptances/rejections of their chapter 11 plan of reorganization; (3) to set a hearing re: confirmation of chapter 11 plan of reorganization; and (4) fixing a deadline for the holders of claims to accept or reject the proposed chapter 11 plan of reorganization  
fr. 11/7/18, 1/9/19

Docket 135

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/6/19 to 2/27/19 at 11:00 a.m.  
per stip & order entered on 1/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 2/6/19.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1) insufficient legal justification for separately classifying business and "consumer" unsecured claims; (2) insufficient justification for property valuations set forth in liquidation analysis; (3) insufficient justification for 30% capital gains tax burden in liquidation analysis. Appearances are required on 11/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 6, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#9.00** Cont'd hearing re: Application to employ The Law Offices of Brian H. Cole as Special Franchise Law Counsel  
fr. 10/17/18, 11/7/18, 1/9/19

Docket 116

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/6/19 to 2/27/19 at 11:00 a.m.  
per stip & order entered on 1/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 2/6/19.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. The court is inclined to trail the hearing on the application to employ until the court rules on creditor's motion to dismiss. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion continues the hearing on the application to employ special litigation counsel to the date and time of the hearing on creditor's motion to dismiss the bankruptcy case on 9/19/18 at 2:30 p.m. as a status conference on the application. Most likely, creditor's motion to dismiss is a contested matter under FRBP 9014 and may require an evidentiary hearing which the court will set at the hearing on 9/18/18, and the hearing on the employment application will trail the hearing on the motion to dismiss since granting of the motion to dismiss will moot out the

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Los Angeles  
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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

application. No appearances are required on 8/29/18. Debtor to notify applicant of the continuance.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

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Central District of California  
Los Angeles  
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11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18, 11/7/18, 1/9/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/6/19 to 2/27/19 at 11:00 a.m.  
per stip & order entered on 1/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 2/6/19.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report indicating that debtor and creditor Oggi's Pizza & Brewing Co. have indicated a willingness to ask a settlement conference before a judicial officer. The court was thinking of asking Visiting Bankruptcy Judge Gregg Zive to act as a settlement judge because in the court's view, he would have the ideal temperament for this case, and he may be available in early December or early February to conduct a settlement conference. Otherwise, no tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court has reviewed debtors' status report, and the court is inclined to set a further status report in 90 days. No

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**CONT... Paul Bodeau and Sandra Bodeau Chapter 11**

tentative ruling on the merits. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 11/15/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau**

**Chapter 11**

Adv#: 2:17-01455 Oggi's Pizza and Brewing Company v. Bodeau et al

**#11.00** Cont'd status conference re: Removal of state court action to bankruptcy court and filing of underlying pleadings  
fr. 10/23/18, 11/7/18, 1/9/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/6/19 to 2/27/19 at 11:00 a.m.  
per stip & order entered on 1/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 2/6/19.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. Off calendar. At the hearing on creditor's motion to dismiss on 10/17/18, the court continued the pretrial conference to 11/7/18 at 11:00 a.m. as a status conference. No appearances are required on 10/24/18.

Prior tentative ruling as of 7/16/18. The court has reviewed the joint status report. Appearances are required on 7/17/18 to discuss the status of the mediation, timing of expert witness discovery and scheduling of pretrial conference and trial. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/4/17. The court has reviewed the joint status report. Set a discovery cutoff date of 6/30/18 and a further postdiscovery status conference for 7/17/18 at 1:30 p.m. with a joint status report due on

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11:00 AM

CONT...

**Paul Bodeau**

**Chapter 11**

7/10/18. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 1/31/18 and complete mediation by 7/17/18. Appearances are required on 12/5/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/3/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Defendant(s):**

Paul Bodeau

Pro Se

Sandra Bodeau

Pro Se

Kevin Michael Bodeau

Pro Se

Bodeau Enterprises

Pro Se

DOES 1-50

Pro Se

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Plaintiff(s):**

Oggi's Pizza and Brewing Company

Represented By

Louis H Altman



**United States Bankruptcy Court  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#12.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/30/18, 9/19/18, 11/14/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits.  
Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits.  
Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing  
a claims bar date of 1/24/18 with notice being served by 11/8/17 and a  
disclosure statement filing deadline of 2/28/18. These dates are satisfactory,  
and debtor should submit a proposed scheduling order. Appearances are  
required on 11/1/17 to discuss scheduling of further proceedings, but counsel  
may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/11/18, 10/17/18, 12/11/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtor's status report and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. The court has reviewed debtor's status report suggesting a continued status conference in about 60 days. No tentative ruling on the merits. Appearances are required on 3/7/18 to hear from other parties on status, including compliance with United States Trustee requirements, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/24/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, February 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#14.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/23/18, 6/27/18, 10/24/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/24/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 6/25/18. No tentative ruling on the merits.  
Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 5/23/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Thursday, February 7, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Motion for reconsideration of order disallowing creditor Ghazar Zehnaly's proof of claim 7-1 fr. 12/19/18

Docket 589

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 2/7/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing to examine movant regarding whether he has a reasonable explanation for why he did not file his motion earlier. The court does not have time on its law and motion calendar on 12/19/18 to take movant's testimony and will set a hearing to take his testimony, which the court expects will take about an hour. Appearances are required on 12/19/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, February 7, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case fr. 12/5/18, 12/12/18, 2/6/19

Docket 479

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Updated tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

pdated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. Appearances are required on 3/22/17.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. The court has concerns regarding the propriety of a "structured" dismissal (called "conditional" dismissal in the moving papers), i.e., whether the record is sufficient to warrant deviation from the normal procedures expressly provided in the Bankruptcy Code, i.e., a liquidating plan, case conversion or straight dismissal without conditions, or whether more broadly, whether structured dismissals are permitted at all, which may be at issue before the Supreme Court in *In re Jevic Holding Corp.*, 787 F.3d 173 (3rd Cir. 2015), cert. granted, *Czyzewski v. Jevic Holding Corp.* 136 S.Ct. 2541 (2016). See also, Transcript of Oral Argument, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (S.Ct., argued December 7, 2016); see also, e.g., Salerno, Hansen, Meyer, Schuster and Barsharis, *Advanced Chapter 11 Bankruptcy Practice*, Section 12.22 (2nd ed. online, 2016 Cum. Supp.); Greenberg, Smith and Taylor, "The Elephant Hiding in the Mousehole": *In re Jevic*, 2016 No. 10 Norton Bankr. L. Adviser NL 1 (online ed., October 2016); Pernick and Dean, "Structured



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**CONT... Sarkis Investments Company, LLC Chapter 11**

Chapter 11 Dismissals: A Viable and Growing Alternative After Asset Sales," 29 Am. Bankr. Inst. J. 1 (June 2010); Eitel, Tinker and Lambert, "Structured Dismissals, or Cases Dismissed Outside of Code's Structure?", 30 Am. Bankr. Inst. J. 20 (March 2011). Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
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**Thursday, February 7, 2019**

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11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 12/5/18, 12/12/18, 2/6/19

Docket 157

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Updated tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. No appearances are

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Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 7, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Sarkis Investments Company, LLC**  
required on 12/13/17.

**Chapter 11**

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. No tentative ruling on the merits.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Appearances are required on 5/4/16, but counsel may appear by telephone.

Updated tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but

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**CONT... Sarkis Investments Company, LLC**  
counsel may appear by telephone.

**Chapter 11**

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/15/14. Appearances are required on 4/16/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan. Debtor has indicated that it intends to revise the disclosure statement to address objections of United States Trustee.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP  
fr. 12/5/18, 12/12/18, 2/6/19

Docket 482

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnal set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. The court is still deliberating after trial and does not expect a decision by 12/31/18, most likely, January 2019. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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**Hearing Room 1675**

11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/1/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing



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11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

its review of the fee application. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. Updated tentative ruling as of 5/11/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Ashley McDow. Appearances are required on 5/12/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Marc Benezra. Appearances are required on 5/3/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney

**United States Bankruptcy Court  
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**CONT... Sarkis Investments Company, LLC**

Fahim Farivar

**Chapter 11**

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/5/18, 12/12/18, 2/6/19

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

conference to 12/5/18 at 11:00 a.m. Appearances are required on 11/7/18 because creditor Zehnaly appeared at the last status conference and may appear to be heard on his claim, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/20/17.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the status conference on its own motion to 12/13/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 12/13/17. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court has reviewed debtor's status report. In that the court is still deliberating on the final fee application of general bankruptcy counsel for debtor, the court continues the status conference on its own motion to 10/25/17 at 1:30 p.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Updated tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

Prior tentative ruling as of 1/25/16. The court has reviewed debtor's status report. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. No tentative ruling on the merits. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

No updated tentative ruling as of 4/15/14. Appearances are required on 4/16/14.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan.

Prior tentative ruling as of 3/10/14. No tentative ruling on the merits. Appearances are required on 3/12/14, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Updated tentative ruling as of 2/24/14. No tentative ruling on the merits. Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 2/3/14. The court has reviewed debtor's status report and the comments of the secured creditor on status. No tentative ruling. Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 11/19/13. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 11/20/13, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/13. No tentative ruling on the merits. Appearances are required on 10/9/13.

Updated tentative ruling as of 9/18/13. Off calendar. Continued at hearing on 9/17/13 to 10/9/13 at 11:30 a.m. No appearances required on 9/18/13.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/18/13, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Friday, February 8, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#1.00** EVIDENTIARY HEARING RE: Debtor's motion to convert from chapter 7 to 13  
fr. 11/8/18, 12/13/18, 1/18/19

Docket 11

**Tentative Ruling:**

Revised tentative ruling as of 2/6/19. Off calendar. The motion is resolved by stipulation and order. The evidentiary hearing scheduled for 2/8/19 at 9:00 a.m. is vacated and taken off calendar. No appearances are required on 2/8/19.

Prior tentative ruling as of 1/3/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 1/18/19.

Prior tentative ruling as of 11/5/18. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 11/8/18.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 because it appears that there are disputed issues of material fact regarding debtor's good faith in requesting conversion of the case to Chapter 13 and debtor's income eligibility for Chapter 13 based on her amended schedules asserting a family contribution from her brother. See *In re Deutsch*, 529 B.R. 308 (Bankr. C.D. Cal. 2015). The court has questions about trustee's estimate of \$55,000 in anticipated Chapter 7 administrative expenses which seem awfully high in this case still in its early stages. Appearances are required on 9/18/18 to discuss scheduling of an evidentiary hearing to resolve disputed issues of material fact on the motion, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Janine Liebert

Represented By  
David S Hagen

**Trustee(s):**

Wesley H Avery (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Friday, February 8, 2019**

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9:00 AM

**CONT...**

**Janine Liebert**

Chad V Haes

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)

Docket 568

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief, including retroactive stay annulment, for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-22584 Angela Stephens**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Auto Financial Services, Inc. VS Debtor)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Angela Stephens

Pro Se

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10109 Tiffany Pollard**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Tran Rei Partners, LLC VS Debtor)

Docket 10

**Tentative Ruling:**

Deny stay relief motion as moot because the stay terminated upon dismissal of the case on 2/6/19. 11 U.S.C. 362(c)(2)(B). Appearances are optional on 2/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Tiffany Pollard

Represented By  
Angela R Swan

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 12, 2019

Hearing Room 1675

1:30 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01104 Diamond, Chapter 7 Trustee, Plaintiff v. Ferrer

**#4.00** Cont'd status conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 5/22/18, 7/31/18, 11/27/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on  
1/30/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes  
Michael Jay Berger

**Defendant(s):**

Renato Ferrer

Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7

Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR)

Pro Se

Richard K Diamond (TR)

Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 12, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 12, 2019

Hearing Room 1675

1:30 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01105 Diamond, Chapter 7 Trustee, Plaintiff v. Ferrer

**#5.00** Cont'd status conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 5/22/18, 7/31/18, 11/27/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 1/30/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes  
Michael Jay Berger

**Defendant(s):**

Felicidad Ferrer

Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7

Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR)

Pro Se

Richard K Diamond (TR)

Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

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1:30 PM

**2:16-25444 Wladimir John Klimenko**

**Chapter 7**

Adv#: 2:17-01217 Gonzalez v. Brown et al

**#6.00** Cont'd status conference re: Complaint for: (1) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §544(b)(1), 548(a)(1)(A), and 550, and California Civil Code §3439.04(a)(1); (2) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(I), and 550, and California Civil Code §3439.05; (3) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(II) and 550, and California Civil Code §3439.04(a)(2)(A); (4) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(III), and 550, and California Civil Code §3439.04(a)(2)(A); (5) Preservation of avoided transfer pursuant to 11 U.S.C. §551; (6) Disallowance of claim pursuant to 11 U.S.C. §502(d); and (7) Disallowance of claim pursuant to 11 U.S.C. §502(b)  
fr. 8/21/18, 10/23/18, 12/4/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/12/19 to 4/16/19 at 1:30 p.m.  
per stip & order entered on 1/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/11/19. Off calendar. Continued by stipulation and order to 4/16/19 at 1:30 p.m. No appearances are required on 2/12/19.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint status report and notes that the parties have not had their LBR 7026-1 conference. The court is inclined to continue the status conference until the parties have completed their LBR 7026-1 conference and suggests that they conduct the business of LBR 7026-1 conference before the status conference to obviate the need for a continuance. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/11/17. Appearances are required on 9/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status reports filed by the various parties. No tentative ruling on the merits. Appearances are required on 5/30/17.

**United States Bankruptcy Court  
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**CONT... Wladimir John Klimenko**

**Chapter 7**

**Party Information**

**Debtor(s):**

Wladimir John Klimenko

Represented By  
Stephen S Smyth  
William J Smyth

**Defendant(s):**

Robert Anthony Brown

Pro Se

Law Office of Robert Brown

Pro Se

Acquplied Assets, B.T.

Pro Se

Wladimir John Klimenko

Pro Se

Wladimir J. Klimenko Living Trust

Pro Se

Jeffrey Alan Abraham

Pro Se

JMS Financial, Inc

Pro Se

Deanna Shapiro

Pro Se

BANK OF THE WEST

Pro Se

**Plaintiff(s):**

Rosendo Gonzalez

Represented By  
Sherri S Shafizadeh  
Thomas A Fasel

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, February 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-25817 Denise Ann Hatfield**

**Chapter 7**

Adv#: 2:18-01434 Ehrenberg v. Hatfield

**#7.00** Status conference re: Complaint for: (1) avoidance of transfer under 11 U.S.C. §548(a)(1)(A); (2) Avoidance of transfer under CCC § 3439.04(a)(1); (3) Avoidance of transfer under 11 U.S.C. § 548(A)(1)(B); (4) Avoidance of transfer under CCC § 3439.04(a)(2); (5) Avoidance of transfer under CCC § 3439.05; (6) Recovery of transferred property or value thereof; (7) Preservation of avoided transfer; and (8) Declaratory relief

Docket 1

**Tentative Ruling:**

Set a discovery cutoff date of 4/30/19 and a further postdiscovery status conference for 5/28/19 at 1:30 p.m. with a joint status report due on 5/7/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/12/19 and complete mediation by 5/28/19. Appearances are required on 2/12/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Denise Ann Hatfield

Represented By  
Michael E Clark

**Defendant(s):**

Thomas Carson Hatfield

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15550 Jose Antonio Salgado**

**Chapter 7**

Adv#: 2:18-01257      TRANSPORT FUNDING, LLC v. Salgado

**#8.00**      Cont'd status conference re: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(B) and 523(a)(4) fr. 10/9/18

Docket      1

**Tentative Ruling:**

Updated tentative ruling as of 2/11/19. No tentative ruling on the merits. Appearances are required on 2/12/19 to discuss scheduling of further proceedings, including the pretrial conference, but counsel may appear by telephone.

Prior tentative ruling. Set discovery cutoff date of 1/31/19 and a post-discovery status conference on 2/12/19 at 1:30 p.m. A joint status report is due on 2/5/19. Appearances are required on 10/9/18 to discuss scheduling, possible waiver of requirement of a pretrial conference and possible referral of dispute to mediation, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose Antonio Salgado

Represented By  
Juan Castillo-Onofre

**Defendant(s):**

Jose Antonio Salgado

Pro Se

**Joint Debtor(s):**

Telma Aida Salgado

Represented By  
Juan Castillo-Onofre

**Plaintiff(s):**

TRANSPORT FUNDING, LLC

Represented By  
Jennifer Witherell Crastz

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 12, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Jose Antonio Salgado**

Casey Z Donoyan

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-20432 Don Gonzalez**

**Chapter 7**

Adv#: 2:18-01432 Swift Financial, LLC v. Gonzalez

- #9.00** Status conference re: Complaint for non-dischargeability for: 1) debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C. §523(a)(2)(A); 2) debts incurred through false statements respecting debtor's financial condition under 11 U.S.C. §523(a)(2)(B); 3) debts neither listed nor scheduled and known to debtor (11 U.S.C. §523(a)(3); 4) debts incurred through conversion under 11 U.S.C. §523(a)(4); 5) debts incurred through willful and malicious injury to property under 11 U.S.C. §523(a)(6); 6) objection to discharge under 11 U.S.C. §727(a)(5)

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 2/12/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Defendant(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Plaintiff(s):**

|                      |                                     |
|----------------------|-------------------------------------|
| Swift Financial, LLC | Represented By<br>Daren M Schlecter |
|----------------------|-------------------------------------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
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**United States Bankruptcy Court  
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Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01153 Michael C. Lin, Trustee of The Hellion Trust v. Martinez

**#10.00** Cont'd pretrial conference re: Complaint to except debt from discharge  
fr. 2/20/18, 10/9/18, 11/27/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Settled by stipulation & order entered on  
1/24/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding settled by stipulation and order. No  
appearances are necessary.

**Party Information**

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Michael C. Lin, Trustee of The

Represented By  
Henry D Paloci

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-16881 Enrique Daniel Anthony**

**Chapter 7**

**#10.10** Hearing re: Motion to reopen chapter 7 case and for an order to vacate order granting relief from the automatic stay

Docket 18

**Tentative Ruling:**

Deny relief from judgment because motion for relief from judgment not brought within one year of entry of judgment or within a reasonable time as required under FRBP 9024 and FRCP 60(c). Appearances are required on 2/12/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Enrique Daniel Anthony

Represented By  
Michael D Luppi

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, February 12, 2019

Hearing Room 1675

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#11.00** Cont'd hearing re: Motion to set aside default and default judgment  
fr. 12/11/18, 1/9/19

Docket 20

**Tentative Ruling:**

Updated tentative ruling as of 2/11/19. No tentative ruling on the merits.  
Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 2/12/19 at 2:30  
p.m. by order filed and entered on 1/3/19. No appearances are required on  
1/9/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Represented By  
William Charles Tanenbaum

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#12.00** Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1  
fr. 11/27/18, 12/11/1/, 1/9/19

Docket 15

**Tentative Ruling:**

Updated tentative ruling as of 2/11/19. No tentative ruling on the merits.  
Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. Continued on the court's own  
motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No  
appearances are required on 1/9/19.

Prior tentative ruling. Grant plaintiff's motion for default judgment for the  
reasons stated in the moving papers and for lack of timely written opposition.  
Appearances are required on 10/16/18

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#13.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 11/27/18, 12/11/18, 1/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/11/19. No tentative ruling on the merits. Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. Continued on the court's own motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

Prior tentative ruling as of 10/22/18. Off calendar. The court on its own motion continues the status conference to 11/27/18 at 2:30 p.m. to be conducted with the continued hearing on plaintiff's motion for default judgment and defendant's motion to set aside default. No appearances are required on 10/23/18.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
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2:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, February 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#14.00** Hearing re: Motion to compel deposition of debtor and defendant Mary Cummins and for sanctions pursuant to Rule 37(d)

Docket 43

**Tentative Ruling:**

No tentative ruling as of 2/11/19. Appearances are required on 2/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, February 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/5/18, 12/12/18, 2/5/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/14/19. Appearances are required to discuss scheduling of further proceedings, including mediation and Phase 2 trial, but counsel may appear by telephone. Judge Wallace has indicated his willingness to serve as a mediator for this matter.

Prior tentative ruling as of 2/4/19. The court has reviewed debtor's status report requesting to be heard on the hardship caused by the delay of decision of Phase I of the trial. To bring this matter promptly to conclusion, the court is of the view that Phase II of the trial is probably needed and suggests that the parties to the dispute of debtor's objection to the claim of the IRS, debtor and the government, consider when Phase II can be scheduled and how long it will take (perhaps in March, April or May 2019). The issues relating to Phase II concern factual disputes whether debtor materially participated in the various business enterprises to warrant the business loss deductions, and the court expects that the witnesses would primarily be debtor and those who worked with him in these business enterprises and that the documentary evidence to be offered would be records of the various business enterprises to show his material participation. It seems to the court that debtor was not required to keep contemporaneous daily time reports or logs to substantiate his business activities to demonstrate material participation and may demonstrate it by reasonable means, such as business records and witness testimony showing his business activities to show material participation, which may include his management activities.

If counsel for both debtor and the government appear for the status conference, a date for a status conference can be set, so a trial schedule can

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**CONT...**

**Dale Alfred Williams**

**Chapter 11**

be set, or if only counsel for debtor appears, then counsel for debtor can give notice of a status conference to set a trial schedule. The documentary evidence is probably voluminous, which may require a further pretrial conference to consider how to handle for trial.

To expedite a final determination, the court will issue a written decision on Phase I and will treat it as a tentative decision subject to final ruling after Phase II is completed. This means the parties can make further arguments on the Phase I rulings before a final ruling is made on the matter after Phase II. In this regard, it would be helpful for counsel for debtor to upload his Phase I proposed findings of fact and conclusions of law, which were filed, but not uploaded, so the court can review for possible adoption.

The court is of the view that since this is a tentative refund situation, the IRS properly assessed the tax without having to follow deficiency procedures, 26 U.S.C. §6213(b)(3). *Blansett v. United States*, 283 F.2d 474 (8<sup>th</sup> Cir. 1960), cited in 1 *Casey*, Federal Tax Practice, §6:21 (November 2018 update), also citing, *Rushlight Automatic Sprinkler Co. v. United States*, 294 F.2d 572 (9<sup>th</sup> Cir. 1961)(United States entitled to maintain action for recovery of erroneous refund without previous deficiency notice). Thus, the assessment is not late based on failure to comply with deficiency procedures. Under the traditional rule governing burden of proof of assessed taxes, the taxpayer bears the burden of proving the assessments are arbitrary or erroneous. E.g., *United States v. Molitor*, 337 F.2d 917 (9<sup>th</sup> Cir. 1964). (However, due to enactment of 26 U.S.C. §7491 in 1998, the burden of proof may be different where the taxpayer produces credible evidence with respect to any factual issues relevant to ascertaining the liability of the taxpayer for any tax imposed under subtitle A or B of the Internal Revenue Code, including income taxes, but neither party addressed this statute in the proposed findings of fact and conclusions of law.)

If allowable, the tax claim would be entitled to priority status under 11 U.S.C. §507(a)(8)(A)(iii) as not assessed before, but assessable, under applicable



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**CONT... Dale Alfred Williams**

**Chapter 11**

law after the commencement of the case.

The court is also of the view that debtor has not met his burden of proving by a preponderance of the evidence that he timely made the election under 26 U.S.C. §469 and that the government does not have the burden of proving that he did not make a timely election based on lack of retention of the tax return which he alleged to have made the election.

However, the court is of the view that debtor could and did properly request the late entity aggregation election under Rev. Proc. 2011-34, which the IRS could and did exercise its discretion for tax years not in litigation (neither 2010 nor 1994 specifically was a tax year is in litigation referred by the IRS to the Justice Department) to grant the request and to notify that debtor as the taxpayer that the procedural requirements of Section 4.02 of the revenue procedure were met and that the taxpayer is to be treated as having made a timely election to treat all interests in rental real estate as a single rental real estate activity for which the late election back to 1994 was requested in the attachment to the amended 2010 return making the request. However, as specified in the section 5 of revenue procedure, such acceptance is not a determination of whether he is eligible to treatment based on the election, which presents factual issues for the tax years in litigation, and the government through the Justice Department can dispute debtor's eligibility for Rev. Proc. 2011-34 for the years in litigation referred to it, and whether debtor satisfied the requirements of 26 U.S.C. §469(c)(7)(B) or whether he materially participates in any activity. Rev. Proc. 2011-34, §5. The proposed findings of fact on both sides are not specific enough to completely address whether debtor has satisfied these requirements. See, e.g., Estate of Ramirez, T.C. Memo. 2018-196 (2018)(an example regarding specific facts measured against eligibility criteria of Section 4.01 of Rev. Proc. 2011-34 for aggregation treatment).

The court has jurisdiction to determine the tax under 11 U.S.C. §505 as set forth on the proof of claim, and in determining the amount, the court may

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11:00 AM

**CONT...**

**Dale Alfred Williams**

**Chapter 11**

determine whether or not debtor is eligible for treatment based on the late aggregation election under Rev. Proc. 2011-34, and the so-called "new" issues to determine the correct tax liability based on the amount of the correct tax refund amount. See *Lewis v. Reynolds*, 284 U.S. 281, 283 (1932).

Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/22/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

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**Hearing Room 1675**

11:00 AM

**CONT... Dale Alfred Williams**

**Chapter 11**

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 4/25/18 at 11:30 a.m. No appearances are required on 3/27/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 3/28/18 at 11:30 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/8/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 2/28/18 at 11:30 a.m. No appearances are required on 1/10/18.

Prior tentative ruling as of 9/11/17. Off calendar. In light of the pending motion of the United States Trustee to dismiss or convert now set for hearing on 10/25/17 at 11:30 a.m., the court on its own motion continues the status conference to 10/25/17 at 11:30 a.m. No appearances are required on 9/13/17.

Prior tentative ruling as of 4/3/17. Off calendar. In light of the pendency of

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**CONT... Dale Alfred Williams**

**Chapter 11**

the litigation proceedings involving debtor's objection to the tax claims, the court on its own motion continues the status conference to 9/13/17 at 11:00 a.m. No appearances are required on 4/5/17.

Prior tentative ruling as of 12/12/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 12/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 6/15/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/14/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/16/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 3/9/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of litigation disputes of debtor's objection to the IRS claim and creditor Rory Williams's motion to file late-filed claim. Appearances are required on 3/11/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed debtor's post-

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**Chapter 11**

confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of debtor's objection to the IRS claim. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 8/25/14. Appearances are required on 8/27/14 to schedule a post-confirmation status conference, but counsel may appear by telephone.

Prior tentative ruling. The court continues on its own motion the status conference to 8/27/14 at 11:00 a.m. at which time the court will set a post-confirmation status conference in November 2014 since a post-confirmation status conference was not set at the confirmation hearing on 7/24/14. No appearances are required on 8/21/14

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| <b>Party Information</b> |
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**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

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**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Benjamin An VS Debtor)

Docket 547

**Tentative Ruling:**

The moving papers are deficient because the judge's copy of the papers lacked separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d). Movant will need to comply with the local rule and provide a tabbed judge's copy of the moving papers in order for the court to rule on the motion.

Otherwise, the court is inclined to grant relief under 11 U.S.C. 362(d)(1) due to the amended petition filed in 2018 which purportedly adds another fictitious business name, Bricks Hospitality Group, LLC, to debtor. (The Chapter 7 Trustee is probably right that granting stay relief in this case does not affect the automatic stay in the Bricks Hospitality Group, LLC, bankruptcy case pending before Judge Bluebond.)

Deny stay relief under 11 U.S.C. 362(d)(4) because movant has not provided evidence in support of his claims that there was an unconsented to transfer or multiple bankruptcy cases affecting this property. Merely checking off boxes on a form motion without providing the underlying evidence is insufficient.

Deny request for stay annulment. Movant does not provide the legal and/or factual support for the request for retroactive stay annulment because it has failed to show that the legal standards of *National Environmental Waste Corp. v. City of Riverside* (In re National Environmental Waste Corp.), 129 F.3d 1052 (9th Cir. 1997) and *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013) have been met. Checking off a box in a declaration without providing any specific facts is insufficient.

Appearances are required on 2/19/19, but counsel may appear by telephone.

**Party Information**

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10:30 AM

**CONT... Chul Hyun Gong**

**Chapter 7**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-22902 Jose Antonio Santiago**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)

Docket 48

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/19/19 to 3/12/19 at 11:00 a.m.  
per order entered on 2/13/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Jose Antonio Santiago

Pro Se

**Trustee(s):**

Jason M Rund (TR)

Pro Se



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**Hearing Room 1675**

10:30 AM

**2:18-23924 Hanan Hassan**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(BMW Bank of North America VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Hanan Hassan

Represented By  
Clay E Presley

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24213 Patracia Orange**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny the request for extraordinary relief in paragraph 3 because Debtor is not the borrower on the loan documents and apparently has no connection to the subject loan and real property as it appears that this is a "hijacked" bankruptcy (i.e., no indication that Debtor as transferee had any knowledge of the transfer before the borrower made the transfer). The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Patracia Orange

Represented By  
Krystina T Tran

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24537 Chad E. Spates, Sr. and Nichelle Spates**

**Chapter 7**

**#5.00** Hearing re: motion for relief from stay  
(Wells Fargo Bank, N.A. dba Wells Fargo Auto VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Chad E. Spates Sr.

Represented By  
Steven B Lever

**Joint Debtor(s):**

Nichelle Spates

Represented By  
Steven B Lever

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24717 David Allen Welty**

**Chapter 7**

**#6.00** Hearing re: motion for relief from stay  
(Emilo Marroquin VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny requests for extraordinary relief in paragraphs 9, 10, 11 and 14 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

David Allen Welty

Represented By  
Sam Benevento

**Movant(s):**

Emilo Marroquin

Represented By  
Lorraine Anderson

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
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**CONT... David Allen Welty**

**Chapter 7**

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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10268 Primitiva, Inc.**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Wynkoop Properties, LLC VS Debtor)

Docket 10

**\*\*\* VACATED \*\*\* REASON: Off calendar per order entered on 2/5/19-  
mb.**

**Tentative Ruling:**

Off calendar. The court has already ruled on the motion heard on shortened notice. No appearances are necessary.

**Party Information**

**Debtor(s):**

Primitiva, Inc.

Represented By  
Peter M Lively

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10288 Christopher Bryce Rembert**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Gateway One Lending & Finance VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                           |        |
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| Christopher Bryce Rembert | Pro Se |
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**Trustee(s):**

|                  |        |
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| Timothy Yoo (TR) | Pro Se |
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**Tuesday, February 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10349 Jonas Alexander David Edrada**

**Chapter 7**

**#9.00** Hearing re: Motion for relief from stay  
(TD Auto Finance LLC VS Debtor)

Docket 8

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal filed on 2/15/19-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed by notice filed on 2/15/19. No appearances are required on 2/19/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Jonas Alexander David Edrada

Represented By  
Raymond J Seo

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



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**Hearing Room 1675**

10:30 AM

**2:19-10539 George Michael Casallas**

**Chapter 7**

**#10.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

George Michael Casallas

Represented By  
D Justin Harelik

**Trustee(s):**

John J Menchaca (TR)

Pro Se

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**Hearing Room 1675**

10:30 AM

**2:19-10716 Eun Hee Kim**

**Chapter 7**

**#11.00** Hearing re: Motion for relief from stay  
(6th Virgil, LLC VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Eun Hee Kim

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

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11:00 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#12.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)  
fr. 1/8/19

Docket 31

**Tentative Ruling:**

Updated tentative ruling as of 2/15/19. No tentative ruling on the merits. Appearances are required on 2/19/19 to discuss scheduling of further proceedings if debtor has obtained competent and admissible evidence of valuation, but counsel may appear by telephone.

Prior tentative ruling. The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition

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11:00 AM

CONT... **Joseph West**

**Chapter 7**

showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

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11:00 AM

**2:18-23551 Chashon E Presley**

**Chapter 7**

**#12.10** Cont'd hearing re: Motion for relief from stay  
(Veros Credit, LLC VS Debtor)  
fr. 2/5/19

Docket 7

**Tentative Ruling:**

Updated tentative ruling as of 2/15/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. Movant has not provided adequate evidence of standing, relying upon unauthenticated and inadmissible title report provided by nongovernmental business. FRE 901 and 902. Movant should provide copy of certificate of title from official government source such as California Department of Motor Vehicles to demonstrate standing. Otherwise, no tentative ruling. Appearances are required on 2/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Chashon E Presley

Pro Se

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11:00 AM

**CONT... Chashon E Presley**

**Chapter 7**

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

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Tuesday, February 19, 2019

Hearing Room 1675

1:30 PM

**2:18-20733 Daniel Sanchez**

**Chapter 7**

Adv#: 2:18-01440 Gonzalez et al v. Sanchez

**#13.00** Status conference re: Complaint to determine debt to be non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(B) and for denial of discharge under § 727(A)(4)

Docket 1

**Tentative Ruling:**

Set a discovery cutoff date of 7/31/19 and a further postdiscovery status conference for 8/13/19 at 1:30 p.m. with a joint status report due on 8/6/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/29/19 and complete mediation by 8/13/19. Appearances are required on 2/19/19, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Daniel Sanchez

Represented By  
James C Shields

**Defendant(s):**

Daniel Sanchez

Pro Se

**Plaintiff(s):**

Gustavo Gonzalez

Represented By  
Luis A Solorzano  
Giovanni Orantes

Rafael Gonzalez

Represented By  
Luis A Solorzano  
Giovanni Orantes

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
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1:30 PM

**CONT... Daniel Sanchez**

**Chapter 7**



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**Tuesday, February 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

Adv#: 2:18-01447      Castelan v. Navarrete

**#14.00**      Status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(2)(A)

Docket      1

**Tentative Ruling:**

Set a discovery cutoff date of 7/1/19 and a half-day trial for 8/15/19 at 9:00 a.m. to 12 p.m. (noon). The court waives pretrial conference and the requirement of a joint pretrial stipulation. Plaintiff must file and serve trial declarations for his nonadverse, cooperating witnesses by 7/18/19, and defendant must file and serve trial declarations for his nonadverse, cooperating witnesses by 8/1/19. The parties must serve their trial exhibits on each other by 7/18/19. The trial exhibits must be tagged with official court exhibit tags, and at the start of trial, the parties must provide with the court with the set of original exhibits in a binder with an exhibit register and a set of copies for the presiding judge. Unless cross-examination is waived, the witnesses must be present for examination, and each party in presenting his case must not "run" out of witnesses, or otherwise, he may be deemed to have rested . Appearances are required on 2/19/19 to discuss scheduling and possible mediation, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Defendant(s):**

Oscar Gomez Navarrete

Pro Se

**Plaintiff(s):**

Fernando Castelan

Represented By  
Marcus Gomez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 19, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Oscar Gomez Navarrete**

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#15.00** Hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142

Docket 2423

**Tentative Ruling:**

Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 19, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23906 Robert Yi and Marissa Paige Martinez-Yi**

**Chapter 7**

**#16.00** Hearing re: Debtor's Motion for authority to redeem personal property and approval of associated financing and attorney fees under 11 U.S.C. 722

Docket 0

**Tentative Ruling:**

No tentative ruling as of 2/15/19. Appearances are required on 2/19/19 to address the concerns raised in the court's order filed and entered on 2/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert Yi

Represented By  
Rex Tran

**Joint Debtor(s):**

Marissa Paige Martinez-Yi

Represented By  
Rex Tran

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information

Docket 215

**\*\*\* VACATED \*\*\* REASON: Rescheduled from 11:00 a.m. to 2:00 p.m.  
per order entered on 1/2/19-mb.**

**Tentative Ruling:**

Matter will scheduled on 2:00 p.m. calendar pursuant to order entered on 1/2/19.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 20, 2019

Hearing Room 1675

2:00 PM

2:17-24737 Advance Specialty Care, LLC

Chapter 11

**#2.00** Cont'd hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information fr. 2/20/19

Docket 215

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/20/19 to 3/6/19 at 11:00 a.m. per hearing held on 1/9/19 & notice filed on 2/19/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/20/19: Off calendar. Continued to 3/6/19 at 11:00 a.m. by oral ruling at hearing on 1/9/19 and by notice filed on 2/19/19. No appearances are required on 2/20/19.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#3.00** Hearing re: Disclosure statement

Docket 211

**Tentative Ruling:**

No tentative ruling as of 2/15/19. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-13759 Charles Peters**

**Chapter 11**

**#4.00** Hearing re: Application for payment of interim fees and/or expenses of Michael Jay Berger

Docket 121

**Tentative Ruling:**

No tentative ruling in light of creditor's opposition to the fee application.  
Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#5.00** Hearing re: Motion for order determining value of collateral

Docket 28

**Tentative Ruling:**

Based on the value established by stipulation between debtor and lienholder Specialized Loan Servicing, LLC, and the lack of opposition by lienholder Lending 1st Mortgage, LLC, the court is inclined to grant the motion determining the value of the collateral to be \$725,000. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#6.00** Hearing re: Interim application for approval of fees and reimbursement of expenses by The Turoci Firm, attorneys for Rich Honey, Inc.

Docket 93

**Tentative Ruling:**

Approve interim fee application of general bankruptcy counsel for debtor in possession for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 2/20/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23136 Azca Props, LLC**

**Chapter 11**

**#7.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 17

**Tentative Ruling:**

Grant motion of United States Trustee to dismiss, convert or appoint trustee for the reasons stated in the moving papers and for lack of timely written opposition. No tentative ruling as to whether to dismiss, convert or appoint trustee, though United States Trustee suggests conversion. The court is inclined to dismiss because stay relief was granted with respect to the real property in San Pedro, California, the only asset listed in the bankruptcy schedules, and thus, further administration does not appear to be in the best interests of the estate and creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Azca Props, LLC

Represented By  
Marc A Goldbach

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, February 21, 2019

Hearing Room 1675

10:00 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#1.00** Cont'd hearing re: Plaintiff/creditor James Lee Clark's motion for an order for sanctions including terminating sanctions against defendant/debtor Rita Ellison-Farris fr. 8/8/18, 10/3/18, 11/30/18

Docket 362

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/21/19 to 4/30/19 at 1:30 p.m. per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 2/21/19.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 21, 2019**

**Hearing Room 1675**

10:00 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#2.00** Cont'd hearing re: Motion of plaintiff/creditor James Lee Clark for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris fr. 5/1/18, 8/8/18, 11/30/18

Docket 351

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/21/19 to 4/30/19 at 1:30 p.m.  
per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/14/19. Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 2/21/19.

No updated tentative ruling as of 11/26/18. Appearances are required on 11/30/18.

No updated tentative ruling as of 10/1/18. Appearances are required on 10/3/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18.

Prior tentative ruling as of 1/29/18. No tentative ruling on the merits. Appearances are required on 1/30/18.

Updated tentative ruling as of 1/12/18. Plaintiff moves to compel discovery to defendant with respect to: (1) his request for admissions, (2) his interrogatories and (3) his requests for production of documents. As to the request for admissions, the motion is unnecessary because if the requests for admissions are properly served, the requested matters for admission are deemed admitted if not timely denied. As to the interrogatories, the motion should be denied because the interrogatories are invalid because plaintiff did not sign them. On the copy of the interrogatories attached to the motion, there is no signature of plaintiff on his interrogatories as required by Federal

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, February 21, 2019

Hearing Room 1675

10:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

Rule of Bankruptcy Procedure 9011(a). Plaintiff will need to sign them before he can move to compel defendant to respond to them. As to the request for production of documents, the motion does not comply with Local Bankruptcy Rule 9026-1(c) because plaintiff has not submitted a discovery dispute stipulation to be completed by both parties as to their positions on the discovery dispute. Plaintiff appears to have met the requirement of a meet and confer request to defendant's counsel, to which there was apparently no response, but plaintiff still needs to submit the joint discovery dispute stipulation required by Local Bankruptcy Rule 7026-1(c). The court wants the parties to conduct a meet and confer meeting regarding the interrogatories and the request for production of documents once plaintiff signs the interrogatories. Appearances are required on 1/16/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 21, 2019**

**Hearing Room 1675**

10:00 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#3.00** Cont'd status conference re: Complaint: 1) objecting to discharge  
2) breach of contract 3) breach of implied covenant of good faith  
and fair dealing 4) conversion 5) negligence 6) breach of fiduciary duty  
7) constructive fraud 8) fraudulent concealment 9) wrongful foreclosure  
10) interference with prospective economic advantage  
fr. 5/1/18, 8/8/18, 11/30/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/21/19 to 4/30/19 at 1:30 p.m.  
per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/14/19. Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 2/21/19.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/30/18.

No updated tentative ruling as of 10/1/18. Appearances are required on 10/3/18.

No updated tentative ruling as of 8/7/18. Plaintiff filed a motion for leave to file a further amended complaint, so the case may not be at issue until the motion is resolved. The motion is not noticed for hearing, but defendant to comment whether she opposes the motion. Appearances are required on 8/8/18.

Prior tentative ruling as of 1/29/18. No tentative ruling on the merits. Appearances are required on 1/30/18.

No tentative ruling as of 9/1/17. Appearances are required on 9/5/17.

No tentative ruling as of 7/31/17. Appearances are required on 8/1/17, but counsel and self-represented party may appear by telephone in accordance



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, February 21, 2019

Hearing Room 1675

10:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

with the court's telephone appearance procedures.

Updated tentative ruling as of 5/26/17. No tentative ruling on the merits. Appearances are required on 5/30/17, but counsel and self-represented party may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 2/27/17. No tentative ruling on the merits. Appearances are required on 2/28/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/13/17. No tentative ruling on the merits. Appearances are required on 2/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/5/16. No tentative ruling on the merits. Appearances are required on 12/6/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/26/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/18/16. No tentative ruling on the merits. Appearances are required on 4/19/16, but counsel may appear by telephone.

**Party Information**

**Attorney(s):**

Deborah Bronner

Represented By  
Deborah R Bronner

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 21, 2019**

**Hearing Room 1675**

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10:00 AM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

Just that EZ Financial Pro Se

Lenders Escrow Inc Pro Se

Does 1 Through 100 Inclusive Pro Se

**Mediator(s):**

David A. Gill Pro Se

**Plaintiff(s):**

James Lee Clark Represented By  
Justin D Graham

**Trustee(s):**

Sam S Leslie (TR) Represented By  
Christian T Kim

Sam S Leslie (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 21, 2019**

**Hearing Room 1675**

10:00 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:14-01088 Clark v. Farris-Ellison

**#4.00** Cont'd status conference re: Creditor, James Lee Clark's complaint to determine nondischargeability of debtors/defendant's debt [Pursuant to 11 U.S.C. §523(a)(2); 11 U.S.C. §523(a)(6)] fr. 8/8/18, 10/3/18, 11/30/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/21/19 to 4/30/19 at 1:30 p.m., per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/14/19. Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 2/21/19.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/30/18.

No updated tentative ruling as of 10/1/18. Appearances are required on 10/3/18.

No updated tentative ruling as of 8/6/18. Appearances are required on 8/8/18.

Prior tentative ruling as of 1/29/18. No tentative ruling on the merits. Appearances are required on 1/30/18.

No tentative ruling as of 9/1/17. Appearances are required on 9/5/17.

No tentative ruling as of 7/31/17. Appearances are required on 8/1/17, but counsel and self-represented party may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 5/26/17. No tentative ruling on the merits. Appearances are required on 5/30/17, but counsel and self-represented party may appear by telephone in accordance with the court's telephone

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, February 21, 2019**

**Hearing Room 1675**

10:00 AM

**CONT... Rita Gail Farris-Ellison**  
appearance procedures.

**Chapter 7**

Prior tentative ruling as of 2/27/17. No tentative ruling on the merits.  
Appearances are required on 2/28/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/13/17. No tentative ruling on the merits.  
Appearances are required on 2/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/5/16. No tentative ruling on the merits.  
Appearances are required on 12/6/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits.  
Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits.  
Appearances are required on 7/26/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/18/16. No tentative ruling on the merits.  
Appearances are required on 4/19/16, but counsel may appear by telephone.

No updated tentative ruling as of 2/22/16. Appearances are required on  
2/23/16.

No updated tentative ruling as of 8/24/15. Appearances are required on  
8/25/15.

No tentative ruling as of 4/27/15. Appearances are required on 4/28/15.

Updated tentative ruling as of 3/9/15. No tentative ruling on the merits.  
Appearances are required on 3/10/15. Defendant to address why there is no  
proof of service of answer filed on 2/10/15.

Prior tentative ruling as of 11/17/14. No tentative ruling on the merits.  
Appearances are required on 11/18/14.

Updated tentative ruling as of 9/29/14. The status conference will be  
conducted on the 3:00 p.m. calendar with the hearing on the motion for

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, February 21, 2019

Hearing Room 1675

10:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

summary judgment. No tentative ruling on the merits. Appearances are required on 9/30/14 at 3:00 p.m., not 1:30 p.m.

Prior tentative ruling as of 6/23/14. No tentative ruling on the merits. Appearances are required on 6/24/14.

Updated tentative ruling as of 5/12/14. No tentative ruling on the merits. Appearances are required on 5/13/14 to discuss status of state court proceedings, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling on the merits. The court notes procedural problems with the adversary proceeding: (1) first, plaintiff has not served counsel for debtors as required by Rule 7004(g) of the Federal Rules of Bankruptcy Procedure; (2) plaintiff is seeking the same relief as in the prior adversary proceeding, which was dismissed, and there may be a bar against such relitigation by claim or issue preclusion. Appearances are required on 4/15/14.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

Sam S Leslie (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, February 21, 2019**

**Hearing Room 1675**

10:00 AM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, February 21, 2019

Hearing Room 1675

10:00 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#5.00** Hearing re: Motion to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions

Docket 412

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/21/19 to 4/30/19 at 1:30 p.m.  
per order entered on 12/19/18-mb.**

**Tentative Ruling:**

Off calendar. Continued to 4/30/19 at 1:30 p.m. by order entered on 12/19/18. No appearances are required on 2/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 26, 2019

Hearing Room 1675

10:30 AM

2:15-12452 Chul Hyun Gong

Chapter 7

#1.00 Hearing re: Motion for relief from stay  
(Wilmington Trust Company VS Debtor)

Docket 573

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny the request for extraordinary relief in paragraph 3 because Debtor is not the borrower on the loan documents and apparently has no connection to the subject loan and real property as it appears that this is a "hijacked" bankruptcy (i.e., no indication that Debtor as transferee had any knowledge of the transfer before the borrower made the transfer). The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-15022 Diana Christina Peraza**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Mercedes-Benz Financial Services USA LLC VS Debtor)

Docket 43

**Tentative Ruling:**

No tentative ruling. Movant has not submitted admissible evidence of lien to demonstrate standing to request stay relief. Exhibit A to motion lacks foundation of personal knowledge and authenticity under FRE 602 and 901 to demonstrate its lien since there is no declaration under penalty of perjury with someone with personal knowledge to authenticate the record of lien. Exhibit A is not a certificate of title or "pink slip", a record of a governmental agency that satisfies the authenticity requirements of FRE 902, such as FRE 902(2) or 902(13). Appearances are required on 2/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Diana Christina Peraza

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#3.00** Hearing re: Motion for relief from stay  
(Acar Leasing LTD dba GM Financial Leasing VS Debtor)

Docket 107

**\*\*\* VACATED \*\*\* REASON: Settled by stipulation, entered on 2/14/19-  
mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order entered on 2/14/19.  
No appearances are required on 2/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#4.00** Cont'd hearing re: Second (revised) and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses fr. 12/11/18

Docket 617

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/26/19 to discuss status of matter, including mediation proceedings, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Appearances are required on 12/11/18 to discuss scheduling and the parties' discovery and other pretrial needs, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#5.00** Cont'd status conference re: Debtor's motion for the entry of an order: (1) approving the sale of real property free and clear of all liens, claims, encumbrances, and interests, with the exception of enumerated exclusions, subject to overbid, (2) finding that the buyer is good faith purchaser, (3) approving bidding procedures and break-up fee, (4) authorizing and approving the payment of certain claims from sale proceeds, and (5) waiving the fourteen-day stay period set forth in Bankruptcy Rule 6004(h) fr. 12/5/18, 12/12/18, 1/9/19

Docket 337

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Probably the court should set the same pretrial schedule as the related adversary proceeding involving these parties, i.e., a discovery cutoff date of 5/31/19, a joint status report due on 6/18/19 and a post-discovery status conference on 6/25/19 at 1:30 p.m. Appearances are required on 2/26/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

No tentative ruling as of 11/27/18. Appearances are required on 11/28/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#6.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 8/28/18, 10/23/18, 1/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. The court reviewed the joint status report stating that the pleadings are not yet at issue and requesting a 90-day continuance of the status conference. The court on its own motion continues the status conference to 5/14/19 at 1:30 p.m. A joint status report must be filed by 5/7/19. No appearances are required on 2/26/19.

Prior tentative ruling as of 10/22/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/23/18, but counsel may appear by telephone.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Defendant(s):**

Shirley Hanes

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01289 Grand View Financial, LLC v. Ladd et al

**#7.00** Cont'd status conference re: Complaint for (1) turnover of property of the estate and (2) injunctive relief fr. 11/27/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Set a discovery cutoff date of 6/30/19. Plaintiff can notice its motion to strike or compel on regular 21-days notice pursuant to Local Bankruptcy Rule 9013-1. Set a post-discovery status conference for 7/30/19 at 1:30 p.m., and the deadline for filing a joint status report is 7/23/19. The court will set a date for the pretrial conference at the post-discovery status conference. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the joint status report of the parties. No tentative ruling on the merits. Appearances are required on 11/27/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Danna Ladd

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

Darren Ladd

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#8.00** Cont'd status conference re: Motion for order to show cause pursuant to Local Bankruptcy Rule 9020-1 why the debtor should not be held in contempt for violating a court order  
fr. 10/23/18, 12/4/18, 1/29/19

Docket 36

**Tentative Ruling:**

Updated tentative ruling as of 2/26/19. Off calendar. Continued by stipulation and order to 3/26/19 at 1:30 p.m. No appearances are required on 2/26/19.

Prior tentative ruling as of 1/29/19. Off calendar. Continued by stipulation and order to 2/26/19 at 1:30 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 12/3/18. Off calendar. Continued by stipulation and order to 1/29/19 at 1:30 p.m. No appearances are required on 12/4/18.

Prior tentative ruling as of 10/22/18. Off calendar. Continued by stipulation and order to 12/4/18 at 1:30 p.m. No appearances are required on 10/23/18.

Prior tentative ruling as of 10/1/18. Appearances are required on 10/2/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10438 David Beverly Construction Inc.**

**Chapter 7**

**#9.00** Order to show cause why case should not be dismissed pursuant to Local Bankruptcy Rule 9011-2(a)

Docket 1

**Tentative Ruling:**

No tentative ruling as of 2/25/19. Appearances are required on 2/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                 |        |
|---------------------------------|--------|
| David Beverly Construction Inc. | Pro Se |
|---------------------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10519 Edwin Wellington Terry**

**Chapter 7**

**#10.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

No tentative ruling as of 2/25/19. Appearances are required on 2/26/19.

**Party Information**

**Debtor(s):**

Edwin Wellington Terry

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:00 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

Adv#: 2:14-01502 Rund, Chapter 7 Trustee v. Microland Electronics Corporation, a California

**#11.00** Cont'd pretrial conference re: Complaint to: 1. Avoid Preferential Transfers; 2. Avoid Fraudulent Transfers; 3. Recover Preferential and Fraudulent Transfers; 4. Aiding and Abetting Breach of Fiduciary Duty; 5. Intentional Interference with Prospective Economic Advantage; and 6. Negligent Interference with Prospective Economic Advantage [11 U.S.C. §§544, 547, 548(a)(1)(A) and (B), 550(a)(1) and (2) and California Civil Code §3439, et seq.]  
fr. 11/28/17, 5/29/18, 11/27/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/26/19 to 5/7/19 at 2:00 p.m.  
per stip & order entered on 12/12/18-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. Continued by stipulation and order to 5/7/19 at 2:00 p.m. No appearances are required on 2/26/19.

Prior tentative ruling as of 11/27/17. No tentative ruling on the merits. The court has reviewed the joint status report and intends to discuss scheduling of further proceedings in this adversary proceeding, specifically to discuss whether they can be coordinated with further proceedings in the related adversary proceedings involving debtor's insiders and attorneys. Appearances are required on 11/28/17, but counsel may appear by telephone.

Prior tentative ruling as of 8/14/17. No tentative ruling on the merits. Appearances are required on 8/15/17, but counsel may appear by telephone.

Prior tentative ruling as of 4/10/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 4/11/17 to discuss scheduling of further proceedings, including possible coordination with litigation in Rund v. Lee adversary proceeding, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 9/30/15 and set a

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 26, 2019

Hearing Room 1675

2:00 PM

CONT... **Amergence Technology Inc** **Chapter 7**

post-discovery status conference for 10/27/15 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 3/31/15 and to complete mediation by 10/27/15. Appearances are required on 2/3/15, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Defendant(s):**

Microland Electronics Corporation,

Pro Se

**Plaintiff(s):**

Jason M. Rund, Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01680

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#12.00** Pretrial conference re: Complaint for: (1) Disallowance of scheduled claim of Douglas Christmas pursuant to 11 U.S.C. §502(b)(1); (2) Disallowance of scheduled claim of Douglas Christmas pursuant to 11 U.S.C. §502(d); (3) Disallowance of scheduled claim of Jennifer Kellen pursuant to 11 U.S.C. §502(b)(1); (4) Disallowance of scheduled claim of Jennifer Kellen pursuant to 11 U.S.C. §502(d); (5) Equitable subordination of scheduled claims of Douglas Christmas and Jennifer Kellen pursuant to 11 U.S.C §510(c); (6) For recharacterization of scheduled unsecured claims; (7) For avoidance of preferential transfers pursuant to 11 U.S.C. §§547 and 550; (8) For avoidance of preferential transfers pursuant to 11 U.S.C. §§547 and 550; (9) For avoidance of fraudulent transfers pursuant to 11 U.S.C. §§548(a)(1)(A) and 550; (10) For avoidance of fraudulent transfers pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; (11) For avoidance of fraudulent conveyances pursuant to 11 U.S.C. §§544 and 550, and Cal. Civ. Code §3439.04(a)(1); and (12) For avoidance of fraudulent conveyances pursuant to 11 U.S.C. §§544 and 550, and Cal. Civ. Code §3439.04(a)(2)  
fr. 5/17/17, 7/25/18, 6/26/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/26/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

Updated tentative ruling as of 1/9/17. No tentative ruling on the merits. Appearances are required on 1/11/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Updated tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Douglas James Christmas

Pro Se

Jennifer Kellen

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 26, 2019

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:18-01371 Gonzalez v. Discover Bank et al

**#13.00** Hearing re: Motion to dismiss amended complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Financial Credit Union f/k/a Western Federal Credit Union 4) damages by any other party does 1-20 under Federal Rule Civil Procedure 12(b)(6)

Docket 19

\*\*\* VACATED \*\*\* REASON: Cont'd from 2/26/19 to 3/12/19 at 11:00 a.m.  
per order entered on 2/21/19-mb.

**Tentative Ruling:**

No tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                        |                                |
|------------------------|--------------------------------|
| Discover Bank          | Pro Se                         |
| Unify Credit Union     | Represented By<br>Brett P Ryan |
| Attorney Anerio Altman | Pro Se                         |
| Does 1-20              | Pro Se                         |

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                                  |
|---------------------|----------------------------------|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee |
|---------------------|----------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.00** Hearing re: Debtor's motion for order: (1) authorizing sale of estate real property free and clear of interest pursuant to 11 U.S.C. §§363(b) and (f); (2) approving overbid procedures; (3) approving buyer, successful bidder, and back-up bidder as good faith purchasers pursuant to 11 U.S.C. §363(m); (4) authorizing payment of undisputed liens, real estate commissions, and other ordinary costs of sale; and (5) providing procedures in the event of lack of cooperation of Mrs. Magleby to the sale

Docket 638

**Tentative Ruling:**

Grant debtor's motion to sell the subject real property under 11 U.S.C. 363, finding that the sale is an exercise of reasonable business judgment of debtor in possession and that the sale may be free and clear of liens and interests pursuant to 11 U.S.C. 363(f)(3), approve overbid procedures and payment of undisputed liens, real estate commissions and other ordinary costs of sale from escrow. Debtor will need to address the limited opposition of U.S. Bank to the motion. No tentative ruling on finding successful bidder and backup bidder as good faith purchasers pursuant to 11 U.S.C. 363(m) since sale with overbidding process has not yet been conducted. Authorize distribution of Mrs. Magleby's share of surplus sales proceeds directly to her from escrow pursuant to 11 U.S.C. 363(j). No tentative ruling on debtor's request for certain procedures in the event of lack of cooperation of Mrs. Magleby to the sale. The court is disinclined to order such procedures based on the presumption of lack of cooperation. Having said this, the court is inclined to order that the sale cannot close until Mrs. Magleby vacates the premises and possession is turned over to the buyer(s), that no distribution of the sales proceeds be made to Mrs. Magleby until the sale is closed after she turns over possession of the premises, or otherwise, the estate or buyer(s) will incur expense of having to bring an unlawful detainer action in state court or a turnover action in this court resulting in damages to the estate for which she may be liable to compensate the estate if she willfully failed to turn over possession. Moreover, the court would consider setting a hearing on turnover on shortened or emergency notice in the event of a failure to turn over possession after the sale, though this might have to be accomplished through

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Curtis C. Magleby Chapter 11**

the pending adversary proceeding for turnover. The parties, including debtor, Mrs. Magleby and the buyer(s) are urged to cooperate with respect to turnover of possession by Mrs. Magleby in conjunction with the closing of escrow for the sale. Appearances are required on 2/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#15.00** Hearing re: Application for payment of interim fees and/or expenses for Khang & Khang LLP, debtor's attorney (11 U.S.C. §331)

Docket 295

**Tentative Ruling:**

Deny interim fee application of general bankruptcy counsel for debtor in possession without prejudice because: (1) no separately filed declaration of client indicating review of the application and lack of objection; and (2) no evidence debtor has the funds to pay the claimed fees (latest monthly operating report shows estate has less than \$6,000 in funds). The court is disclined to authorize payment of interim fees where estate is administratively insolvent. Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**Movant(s):**

Khang & Khang LLP

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#16.00** Hearing re: Third interim application for allowance and payment of fees and reimbursement of expenses for Blakeley LP and Khang and Khang LLP

Docket 301

**Tentative Ruling:**

Deny interim fee application of general bankruptcy counsel for unsecured creditors committee without prejudice because: (1) no separately filed declaration of client indicating review of the application and lack of objection; and (2) no evidence debtor has the funds to pay the claimed fees (latest monthly operating report shows estate has less than \$6,000 in funds). The court is disclined to authorize payment of interim fees where estate is administratively insolvent. Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**Movant(s):**

Ronald Clifford Blakeley LLP

Represented By  
Ronald Clifford

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#17.00** Cont'd hearing re: Motion of defendant JPMorgan Chase Bank, N.A. to dismiss first amended complaint  
fr. 11/6/18, 12/11/18, 1/29/19

Docket 32

**\*\*\* VACATED \*\*\* REASON: Cont'd from 2/26/19 to 5/7/19 at 2:30 p.m.  
per stip & order entered on 2/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/7/19 at 2:30 p.m. No appearances are required on 2/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Matthew S Henderson

QUALITY LOAN SERVICE

Represented By  
Merdaud Jafarnia

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#18.00** Hearing re: Motion compel discovery, protective order, quash subpoenas, contempt court order, violation of redaction rule

Docket 47

**Tentative Ruling:**

No tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 26, 2019

Hearing Room 1675

2:30 PM

2:17-24993 **Mary Katherine Cummins-Cobb**

Chapter 7

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#18.10** Cont'd hearing re: Motion to compel deposition of debtor and defendant Mary Cummins and for sanctions pursuant to Rule 37(d) fr. 2/12/19

Docket 43

**Tentative Ruling:**

No updated tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

No tentative ruling as of 2/11/19. Appearances are required on 2/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, February 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-13057 Anna J Bowes**

**Chapter 7**

**#19.00** Hearing re: Motion for turnover of residence and the issuance of a writ of possession

Docket 51

**Tentative Ruling:**

Grant trustee's motion for turnover and issuance of writ of possession for the reasons stated in the moving papers and for the lack of timely written opposition. Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Anna J Bowes

Represented By  
Roxanne Bonar

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, February 26, 2019

Hearing Room 1675

2:30 PM

**2:18-22948**    **Ciro L Perez and Maria M Perez**

**Chapter 7**

**#20.00**    Hearing re: Motion to avoid lien with Deutsche Bank National Trust under  
11 U.S.C. §522(f) (real property)

Docket      14

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding valuation of the subject real property. The court will set a schedule of pretrial and trial proceedings, including discovery and trial setting. The court notes that counsel for debtor has been suspended from practicing law for 6 months beginning 1/25/19 according to information on the state bar website. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Ciro L Perez

Represented By  
Peter L Lago

**Joint Debtor(s):**

Maria M Perez

Represented By  
Peter L Lago

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-60711 Brunelle Equities LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(HSBC Bank USA VS Debtor)  
fr. 12/11/18

Docket 265

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. Motion resolved by stipulated order filed and entered on 12/7/18. No appearances are required on 2/27/19.

Prior tentative ruling. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 12/11/18.

**Party Information**

**Debtor(s):**

Brunelle Equities LLC

Represented By  
Raymond H. Aver

**Movant(s):**

Christiana Trust, a division of

Represented By  
Jeannette Marsala  
John P Ward

HSBC Bank USA, National

Represented By  
Kelly M Raftery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-60711 Brunelle Equities LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 5/10/18, 8/29/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 8/27/18. No tentative ruling on the merits.  
Appearances are required on 8/29/18, but counsel may appear by telephone.

Revised tentative ruling as of 5/9/18. Off calendar. Since creditor's motion to  
dismiss has been resolved by stipulation and order, the court on its own  
motion continues the status conference in this case to 8/29/18 at 11:00 a.m.  
A status report is due on 8/22/18. No appearances are required on 5/10/18.

Updated tentative ruling as of 5/7/18. No tentative ruling will be issued for the  
evidentiary hearing on the motion. Appearances are required on 5/10/18.

Prior tentative ruling as of 4/5/18. No tentative ruling on the merits.  
Appearances are required on 4/12/18.

Revised tentative ruling as of 2/28/18. Off calendar. In light of the  
continuance of the hearing on creditor's motion to dismiss, the court on its  
own motion continues the status conference in this case to 4/12/18 at 9:00  
a.m. No appearances are required on 3/1/18.

Prior tentative ruling as of 11/28/17. Off calendar. The court, after reviewing  
the case docket, on its own motion continues the status conference to be  
conducted with the hearing on creditor's motion to dismiss or convert on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

CONT... Brunelle Equities LLC

Chapter 11

12/6/17 at 11:00 a.m. No appearances are required on 11/29/17.

Prior tentative ruling as of 10/25/17. Off calendar. Continued by stipulation and order to 11/29/17 at 11:00 A.M. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. The court has reviewed debtor's status report filed on 2/23/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/10/17. Off calendar. Continued by stipulation and order to 3/1/17 at 11:00 a.m. No appearances are required on 1/11/17.

Prior tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/13/16. No tentative ruling on the merits, but debtor should address why a postconfirmation status report was not timely filed as ordered by the court on 10/18/16. Appearances are required on 12/14/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Brunelle Equities LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#3.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 2/14/18, 8/29/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 8/27/18. No tentative ruling on the merits.  
Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/12/18. No tentative ruling on the merits.  
Regarding United States Trustee's limited opposition to motion to close case  
on an interim basis, debtor needs to address the objection regarding unpaid  
United States Trustee quarterly fees. Appearances are required on 2/14/18,  
but counsel may appear by telephone.

Prior tentative ruling as of 11/6/17. No tentative ruling on the merits. The  
court notes that debtor filed a motion for order closing case on an interim  
basis with notice and opportunity for a hearing pursuant to LBR 9013-1(o).  
Debtor has not filed a declaration of non-opposition. The court is inclined to  
deny the motion without prejudice because there is no evidence in support of  
the assertions made in the motion. Appearances are required on 11/8/17, but  
counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits.  
Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling as of 4/24/17. The court has reviewed debtor's  
postconfirmation status report, reporting he anticipates filing a motion for final

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Francisco O Lopez**

**Chapter 11**

decree within the next 90 days. Appearances are required on 4/26/16 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's postconfirmation status report. No tentative ruling on the merits. Appearances are required on 11/30/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for approval of the sufficiency of debtor's chapter 11 disclosure statement describing debtor's plan of reorganization fr. 10/3/18, 11/7/18, 12/19/18

Docket 68

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the hearing on the disclosure statement to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1) plan is patently unconfirmable because it modifies loan secured by lien on debtor's principal residence in violation of 11 U.S.C. 1125(b) (plan modifies contractual interest rate on first and second secured home loans) and it does not propose a cure of outstanding arrearages on home mortgages in accordance with 11 U.S.C. 1124(2)(10 year payment of arrearages is discriminatory compared with 5 year payment of general unsecured claims);

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11:00 AM

**CONT... Dalton Evonne Grant Chapter 11**

(2) disclosure statement lacks adequate information regarding plan feasibility since no financial history or financial projections are provided. Appearances are required on 4/25/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dalton Evonne Grant

Represented By  
David I Brownstein

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/3/18, 11/7/18, 12/19/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed debtor's status report requesting a continuance of about 30 day to complete settlement discussions with the secured lender. No tentative ruling on the merits. Appearances are required on 11/7/18 so that other parties, including United States Trustee, may be heard on status, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Dalton Evonne Grant**

**Chapter 11**

Prior tentative ruling as of 2/26/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/5/17. The court has reviewed debtor's status report filed on 12/4/17. No tentative ruling on the merits. Appearances are required on 12/6/17, but counsel may appear by telephone.

Updated tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dalton Evonne Grant

Represented By  
Joshua L Sternberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for order authorizing and approving adequacy of debtor's disclosure statement describing debtor's first amended chapter 11 plan fr. 10/3/18, 11/8/18, 12/17/18

Docket 217

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits. Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

No updated tentative ruling as of 9/18/18. Appearances are required on 9/19/18, but counsel may appear by telephone.

No tentative ruling as of 7/16/18. Appearances are required on 7/18/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/3/18, 11/8/18, 12/17/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits.  
Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/16/18. No tentative ruling on the merits.  
Appearances are required on 2/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. No tentative ruling on the merits.  
Appearances are required on 1/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/10/17. No tentative ruling on the merits.  
Appearances are required on 10/11/17, but counsel may appear by  
telephone.

Revised tentative ruling as of 7/25/17. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

11:00 AM

**CONT... Plain Leasing, Inc.**

**Chapter 11**

report. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits, but the court notes that the cash flow projection described as Exhibit A was not attached to the status report. Appearances are required on 4/19/17 to discuss setting of claims bar date and further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion to dismiss chapter 11 bankruptcy  
fr. 11/7/18, 1/9/19, 2/6/19

Docket 118

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 10/17/18. The court retracts its tentative ruling of 10/16/18 because it has authorized debtors to respond orally to the supplemental brief of creditors by time of continued hearing, and to file a written response. Appearances are required on 10/17/18, but the prior tentative ruling on 10/15/18 remains the same.

Updated tentative ruling as of 10/16/18. Debtors filed a surreply brief and request for judicial notice of new matters on 10/15/18, which are not authorized under the court's local rules and for which debtors did not request leave of court to file, and the court will disregard these papers for purposes of the hearing on 10/17/18. Creditors need not respond to debtors' surreply or request for judicial notice at the hearing on 10/17/18, though the court might consider them as debtors' trial brief for the trial that will be set on this contested matter. Otherwise, the court's tentative ruling posted on 10/10/18 will apply.

Prior tentative ruling as of 10/15/18. The court will treat the hearing as a status conference because there are material factual disputes raised by the motion which is a contested matter under Federal Rule of Bankruptcy Procedure 9014 relating to debtors' good faith in filing this case which require an evidentiary hearing to resolve. The court will schedule an evidentiary



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

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11:00 AM

CONT... **Paul Bodeau and Sandra Bodeau**

**Chapter 11**

hearing at the status conference, and the court requests that counsel appear telephonically rather than appear in person to minimize litigation costs.

Regarding the contentions of debtors, the court is of the view that the motion is not untimely and there is no bar of laches because it seems that at any time in this case, parties in interest can move for dismissal, particularly, preconfirmation, that the motion is not a litigation tactic by creditors to gain advantage in the state court, and that debtors can reorganize and confirm a plan is not an undisputed fact and remains to be seen.

Regarding the contentions of creditors, the court is of the view that debtors could propose a confirmable plan through a combination of income and asset sales, particularly as creditors acknowledge that debtors have property equity of over \$1.1 million to fund a plan, that denial of confirmation of the currently proposed plan does not necessarily mean that debtors could not later propose an amended plan that is confirmable, that creditors' opposition to a plan does not necessarily mean that a plan absolutely be confirmed under the cramdown standards of 11 U.S.C. 1129(b), provided that debtors find a way to meet the requirements of the absolute priority rule or qualify for an exemption to the rule, and that whether this is a two-party dispute is a disputed issue of material fact relating to good faith of debtors in filing this case.

If creditors are pressing their motion, the court will ask them for dates for an evidentiary hearing on the disputed material issues of fact, or these issues can be litigated in connection with plan confirmation relating to the disclosure statement and proposed plan now pending.

Appearances are required on 10/17/18, but counsel may and should appear by telephone.

Prior tentative ruling as of 9/17/18. Appearances are required on 9/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#9.00** Cont'd hearing re: Motion for order: (1) approving the adequacy of debtors' chapter 11 disclosure statement describing chapter 11 plan of reorganization; (2) authorizing debtors to solicit acceptances/rejections of their chapter 11 plan of reorganization; (3) to set a hearing re: confirmation of chapter 11 plan of reorganization; and (4) fixing a deadline for the holders of claims to accept or reject the proposed chapter 11 plan of reorganization  
fr. 11/7/18, 1/9/19, 2/6/19

Docket 135

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1) insufficient legal justification for separately classifying business and "consumer" unsecured claims; (2) insufficient justification for property valuations set forth in liquidation analysis; (3) insufficient justification for 30% capital gains tax burden in liquidation analysis. Appearances are required on 11/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

---

11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#10.00** Cont'd hearing re: Application to employ The Law Offices of Brian H. Cole as Special Franchise Law Counsel  
fr. 11/7/18, 1/9/19, 2/6/19

Docket 116

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. The court is inclined to trail the hearing on the application to employ until the court rules on creditor's motion to dismiss. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion continues the hearing on the application to employ special litigation counsel to the date and time of the hearing on creditor's motion to dismiss the bankruptcy case on 9/19/18 at 2:30 p.m. as a status conference on the application. Most likely, creditor's motion to dismiss is a contested matter under FRBP 9014 and may require an evidentiary hearing which the court will set at the hearing on 9/18/18, and the hearing on the employment application will trail the hearing on the motion to dismiss since granting of the motion to dismiss will moot out the application. No appearances are required on 8/29/18. Debtor to notify applicant of the continuance.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

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11:00 AM

CONT... Paul Bodeau and Sandra Bodeau

Chapter 11

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbusch

Vanessa M Haberbusch

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbusch

Vanessa M Haberbusch

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 1/9/19, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report indicating that debtor and creditor Oggi's Pizza & Brewing Co. have indicated a willingness to ask a settlement conference before a judicial officer. The court was thinking of asking Visiting Bankruptcy Judge Gregg Zive to act as a settlement judge because in the court's view, he would have the ideal temperament for this case, and he may be available in early December or early February to conduct a settlement conference. Otherwise, no tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court has reviewed debtors' status report, and the court is inclined to set a further status report in 90 days. No tentative ruling on the merits. Appearances are required on 2/7/18 to discuss

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, February 27, 2019**

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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 11/15/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau**

**Chapter 11**

Adv#: 2:17-01455 Oggi's Pizza and Brewing Company v. Bodeau et al

**#12.00** Cont'd status conference re: Removal of state court action to bankruptcy court and filing of underlying pleadings  
fr. 11/7/18, 1/9/19, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. Off calendar. At the hearing on creditor's motion to dismiss on 10/17/18, the court continued the pretrial conference to 11/7/18 at 11:00 a.m. as a status conference. No appearances are required on 10/24/18.

Prior tentative ruling as of 7/16/18. The court has reviewed the joint status report. Appearances are required on 7/17/18 to discuss the status of the mediation, timing of expert witness discovery and scheduling of pretrial conference and trial. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/4/17. The court has reviewed the joint status report. Set a discovery cutoff date of 6/30/18 and a further postdiscovery status conference for 7/17/18 at 1:30 p.m. with a joint status report due on 7/10/18. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 1/31/18 and complete

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

CONT...

**Paul Bodeau**

**Chapter 11**

mediation by 7/17/18. Appearances are required on 12/5/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/3/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Defendant(s):**

Paul Bodeau

Pro Se

Sandra Bodeau

Pro Se

Kevin Michael Bodeau

Pro Se

Bodeau Enterprises

Pro Se

DOES 1-50

Pro Se

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Plaintiff(s):**

Oggi's Pizza and Brewing Company

Represented By

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

2:17-21123 JC Fits, Inc.

Chapter 11

#13.00 Hearing re: Motion to value debtor's assets

Docket 120

**Tentative Ruling:**

Deny motion to value debtor's assets without prejudice and with leave to amend. The notice of motion and motion do not sufficiently put creditor Pacific City Bank on notice that debtor is seeking to determine the value of the bank's secured claim. The motion is a motion under FRBP 3012, but it is not styled as such. Notice is insufficient because there is nothing in the caption of the motion referring to the determination of the creditor's secured claim or refers to the creditor at all, the motion is addressed to "all interested parties" and not specifically to creditor Pacific City Bank. The body of the motion is unclear what relief is being sought because there is nothing about seeking a determination of the secured claim of creditor Pacific City Bank until page 5, and it is then unclear what debtor wants. It seems to the court that debtor seeks a determination of a specific amount of the claim, and that would depend in part on a determination of the amount of senior lien of Prime Business Credit, for which there is no competent evidence of valuation. Debtor must be "up front" in stating that the motion is to value or determine the secured claim of creditor Pacific City Bank. See FRBP 3012(a)(1), citing 11 U.S.C. 506(a). Debtor must also specify the date of valuation of the collateral, which generally in a Chapter 11 reorganization case should be the date of expected confirmation since that is the purpose of the valuation. Motion at 3 ("Once the assets value is established by the Court, the Debtor is prepared to file its plan of reorganization and disclosure statement."); see 3 March, Ahart and Shapiro, Rutter Group California Practice Guide: Bankruptcy, paragraph 17:83 at 17-9 (2018), citing, Matter of Siep, 116 B.R. 709, 711 (Bankr. D. Neb. 1990). Moreover, the notice of motion is defective because the time of the hearing is not specified in the body of the motion. Appearances are required on 2/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

JC Fits, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**JC Fits, Inc.**

Joon M Khang

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

2:17-21123 JC Fits, Inc.

Chapter 11

#14.00 Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 11/14/18, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits.  
Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits.  
Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing  
a claims bar date of 1/24/18 with notice being served by 11/8/17 and a  
disclosure statement filing deadline of 2/28/18. These dates are satisfactory,  
and debtor should submit a proposed scheduling order. Appearances are  
required on 11/1/17 to discuss scheduling of further proceedings, but counsel  
may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

JC Fits, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

CONT...

JC Fits, Inc.

Joon M Khang

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/3/18, 11/7/18, 12/19/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/16/18. No tentative ruling on the merits.  
Appearances are required on 7/18/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

People Who Care Youth Center, Inc.      Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#16.00** Cont'd hearing re: Disclosure statement  
fr. 1/30/19

Docket 82

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. The second amended disclosure statement and proposed plan are deficient because: (1) the class numbering is incorrect and inconsistent; (2) the funding for the plan section of the disclosure statement should state that debtor intends to sell the property within 45 days of the effective date of the plan; (3) the plan and disclosure statement do not contain a provision to define the effective date of the plan; (4) the discharge provision is incorrect because debtor is ineligible for a discharge under 11 U.S.C. 1141(d)(3) because the plan provides for liquidation of all or substantially all of the property of the estate. Debtor needs to address objection of creditor Velocity Commercial Capital Loan Trust 2014-1. Appearances are required on 2/27/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/28/19. Debtor filed an amended disclosure statement on 1/23/19, which may require a continuance of the hearing to allow creditors to respond. Scheduling of a further hearing on the disclosure statement may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary.

Appearances are required on 1/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#17.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/31/18, 12/12/18, 1/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/29/18. No tentative ruling on the merits.  
Appearances are required on 10/31/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/19, but counsel may appear by telephone.

No updated tentative ruling as of 8/20/18. Appearances are required on  
8/22/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
claims bar date should be at least 60 days from the date of notice of bar date  
to creditors, so 6/1/18 is not appropriate. Otherwise, no tentative ruling on the  
merits. Appearances are required on 4/25/18, but counsel may appear by  
telephone.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Raesi Group, Inc**

Christopher P Walker

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

2:18-13300 The 17/21 Group, LLC

Chapter 11

#18.00 Cont'd status conference re: Management of chapter 11 case  
fr. 5/16/18, 9/19/18, 11/14/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
9/19/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report.  
Regarding debtor's proposed claims bar dates, the court requires at least 60  
days notice to nongovernmental creditors, and debtor's proposed bar date for  
governmental creditors of 7/30/18 is inconsistent with 11 U.S.C. 502(b)(9)  
providing that claims of governmental units are timely if filed before 180 days  
after the order for relief. Otherwise, no tentative ruling on the merits.  
Appearances are required on 5/16/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#19.00** Hearing re: Disclosure statement describing Chapter 11 plan of reorganization

Docket 53

**Tentative Ruling:**

No tentative ruling as of 2/25/19. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#20.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/30/18, 9/19/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing a claims bar date of 7/30/18, but the court requires 60 days notice of a bar date to creditors, which means notice must be served on all creditors by 5/31/18. The court is inclined to set a bar date of 8/10/18 with notice served by 6/8/18. Otherwise, no tentative ruling on the merits. Appearances are required on 5/30/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17424 San Pedro Waterfront LLC dba Ports O'Call Res**

**Chapter 11**

**#21.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/22/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

San Pedro Waterfront LLC dba Ports

Represented By  
David R Haberbush

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, February 27, 2019

Hearing Room 1675

11:00 AM

2:18-18712 Ben B. Safyari

Chapter 11

#22.00 Cont'd hearing re: Motion for appointment of a chapter 11 trustee  
fr. 1/9/19

Docket 85

\*\*\* VACATED \*\*\* REASON: Cont'd from 2/27/19 to 4/10/19 at 11:00 a.m.  
per stip & order entered on 2/11/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. Continued by stipulation and order to 4/10/19 at 11:00 a.m. No appearances are required on 2/27/19.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23136 Azca Props, LLC**

**Chapter 11**

**#23.00** Order to show cause why debtor Azca Props, LLC and its attorney Marc Goldbach should not be sanctioned for failure to appear at the January 9, 2019 status conference

Docket 27

**Tentative Ruling:**

Off calendar. Having reviewed the declaration of general bankruptcy counsel for debtor in possession, the court discharges the order to show cause. No appearances are required on 2/27/19.

**Party Information**

**Debtor(s):**

Azca Props, LLC

Represented By  
Marc A Goldbach

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23136 Azca Props, LLC**

**Chapter 11**

**#24.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. Off calendar. Case converted to Chapter 7 on the motion of the United States Trustee to dismiss or convert on 2/22/19. No appearances are required on 2/27/19.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Azca Props, LLC

Represented By  
Marc A Goldbach

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#25.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#25.10** Hearing re: Motion of debtors and debtors in possession for order authorizing debtors to maintain three bank accounts

Docket 21

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#26.00** Cont'd order to show cause why this chapter 11 case should not be dismissed or converted to chapter 7 for cause fr. 1/30/19

Docket 612

**Tentative Ruling:**

After considering the responses of debtor and several creditors to the order to show cause, which were not in agreement, the court is inclined to discharge the order to show cause. Based on recent developments in the case, it appears that the case is progressing to conclusion through the sale of the major asset of the estate, the residential real property, which should resolve the claims of the secured lenders, and that debtor and the creditor, Cindy Magleby, who has the largest unsecured claims in dispute, have indicated a willingness to have the family law court liquidate her claims which could occur expeditiously in a trial as early as June 2019. The liquidation of Mrs. Magleby's claim will facilitate the readiness of this case for a plan confirmation process, which may or may not be contested. The continuation of the case would facilitate the reorganization of the debtor to preserve settlements reached with other creditors. Appearances are required on 2/27/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#27.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 12/13/18, 12/19/18, 1/30/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Curtis C. Magleby**

**Chapter 11**

conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

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Los Angeles  
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Hearing Room 1675

1:30 PM

CONT...

**Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#28.00** Cont'd hearing re: Disclosure statement  
fr.12/13/18, 12/19/18, 1/30/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

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Los Angeles  
Judge Robert Kwan, Presiding  
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**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#29.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 11/13/18, 12/19/18, 1/30/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#30.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA  
Accountancy, LLP  
fr. 12/19/18, 1/30/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, February 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

**#31.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 12/13/18, 12/19/18, 1/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, February 27, 2019**

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1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Wednesday, February 27, 2019

Hearing Room 1675

1:30 PM

CONT... Curtis C. Magleby

Chapter 11

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-25012 Lorena Quiroz**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Lorena Quiroz

Represented By  
Francis Guilardi

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10131 Tamiko Shanette Carnes**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Tamiko Shanette Carnes

Represented By  
Byron M Johnson

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:14-15089 Eduardo Jose Salazar**

**Chapter 7**

**#3.00** Hearing re: Motion to avoid lien real property with LVNV Funding LLC

Docket 18

**Tentative Ruling:**

No tentative ruling as of 3/4/19. Appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Eduardo Jose Salazar

Represented By  
Michael H Colmenares

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, March 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:14-15089 Eduardo Jose Salazar**

**Chapter 7**

**#4.00** Hearing re: Motion to avoid lien real property with State Farm Mutual Insurance Company

Docket 19

**Tentative Ruling:**

No tentative ruling as of 3/4/19. Appearances are required on 3/5/19.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Eduardo Jose Salazar

Represented By  
Michael H Colmenares

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#5.00** Cont'd status conference re: Complaint for: (1) Declaratory Relief Regarding Alleged Standing Of Defendants Under Note And Deed Of Trust; (2) Declaratory Relief Regarding Purported Foreclosure Sale And Trustees Deed Upon Sale And Title To Real Property; (3) Declaratory Relief Regarding Unlawful Detainer Action; (4) Turnover Of Real Property; (5) Disallowance Of Any Claims Of JPMorgan Chase Bank, N.A.; (6) Violation Of Fair Debt Collection Practices Act  
fr. 8/28/18, 10/16/18, 1/8/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 5/7/19 at 2:30 p.m. per stip & order entered on 2/26/19**

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. Off calendar. Continued by stipulation and order to 5/7/19 at 2:30 p.m.. No appearances are required on 3/5/19.

Prior tentative ruling as of 1/7/19. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 4/30/18. No tentative ruling on the merits. Appearances are required on 5/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/20/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. Off calendar. The court on its own motion continues the status conference to 3/20/18 at 3:00 p.m. A separate order is being entered. No appearances are required on 2/27/18.

Prior tentative ruling. The court has reviewed the joint status report and also notes on the case docket that there is a hearing on the motion of defendant JP Morgan Chase Bank, N.A. to dismiss plaintiff's amended complaint on 2/27/18 at 3:00 p.m., which may have an impact on scheduling in this adversary proceeding. Therefore, the court on its own motion continues the

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**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

status conference to 2/27/18 at 3:00 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint. No appearances are required on 2/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Pro Se

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, March 5, 2019

Hearing Room 1675

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#6.00** Cont'd status conference re: Plaintiff's complaint for substantive consolidation of Prototype Engineering & Manufacturing, Inc., Bahram Bordbar, individually, and as trustee of the Bordbar Family Trust, and Malahat Bordbar, individually, and as trustee of the Bordbar Family Trust  
fr. 1/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 3/26/19 at 2:30 p.m.  
per stip & order entered on 2/21/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 3/26/19 at 2:30 p.m.. No appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                         |                |
|-------------------------|----------------|
| Prototype Engineering & | Represented By |
|                         | Carol Chow     |

**Defendant(s):**

|                         |        |
|-------------------------|--------|
| Prototype Engineering & | Pro Se |
| Bahram Bordbar          | Pro Se |
| Malahat Bordbar         | Pro Se |

**Plaintiff(s):**

|                |                |
|----------------|----------------|
| Wesley H Avery | Represented By |
|                | Carmela Pagay  |

**Trustee(s):**

|                     |                |
|---------------------|----------------|
| Wesley H Avery (TR) | Represented By |
|                     | Timothy J Yoo  |
|                     | Carmela Pagay  |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#7.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 8/21/18, 11/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 4/9/19 at 2:30 p.m. per  
stip & order entered on 2/27/19-mb**

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. Off calendar. Continued by stipulation and order to 4/9/19 at 2:30 p.m.. No appearances are required on 3/5/19.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. The court tends to agree with plaintiff and defendant Trinh that a determination of whether the estate has an interest in the subject property first would be a more efficient use of litigation resources as that seems to be a straightforward issue. Deciding this issue is a threshold issue for Second Generation's fraudulent transfer claims, and the parties would not have to litigate these claims if the assets were plaintiff's separate property. Appearances are required on 11/6/18, but counsel may appear by telephone.

Updated tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

No tentative ruling as of 8/20/18. The court intends to advance the related matters on the court's 2:30 p.m. calendar to be heard with the status conference. However, the status conference will be conducted at the end of the 1:30 p.m. for matters in other cases to be called first. Appearances are required on 8/21/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Catherine Trinh**

**Chapter 11**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#8.00** Cont'd status conference re: Complaint for (1) determination that debt is nondischargeable pursuant to bankruptcy pursuant to bankruptcy code sections 523(1)(4) and 523(a)(6); and (2) for a finding of alter ego liability fr. 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. Off calendar. The court has reviewed plaintiff's unilateral status report. The court on its own motion continues the status conference to 5/7/19 at 1:30 p.m. in order to allow time for plaintiff to prepare and file a motion for default judgment. No appearances are required on 3/5/19.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

**Defendant(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
|-----------------|--------|

**Joint Debtor(s):**

|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
|-----------------|--------|

**Plaintiff(s):**

|                       |  |
|-----------------------|--|
| Camel Financial, Inc. | Represented By<br>Darren B. Landie<br>Jerome S Demaree |
|-----------------------|--|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Nicholas Bowes**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#9.00** Status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727]

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 4/2/19 at 1:30 p.m. per stip & order entered on 2/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/2/19 at 1:30 p.m.. No appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Pro Se

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-17125 Ramon De Jesus Contreras and Maria Del Rosario**

**Chapter 7**

**#10.00** Hearing re: Motion for order (i) vacating and/or amending the order entered May 1, 2013 (authorizing surcharge and distribution of cash collateral); (ii) authorizing distribution to the estate's unsecured creditors or, (iii) in the alternative, allowing deposit of funds with court as unclaimed funds

Docket 571

**Tentative Ruling:**

Revised tentative ruling as of 3/4/19. Continued hearing on trustee's motion for relief from order to 5/28/19 at 2:30 p.m. because the court believes the present motion as well as the prior motions did not effectively put the creditors on notice that their previously ordered distributions were being forfeited. None of these motions were addressed to the affected creditors, but to the court, the debtor and "interested parties," which is ineffective notice to the creditors that they would be losing \$189,000. Moreover, neither the forfeiture of these funds nor the creditors whose funds are to be forfeiture is not described in the caption of any of these motions, which is ineffective notice. Rather than asking the trustee to try again, the court has issued its own order to show cause why the money previously ordered distributed to the creditors should be forfeited for their failure to accept the distributions, and the order to show cause will be directed to the creditors by name in the caption of the order. Appearances are required on 3/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ramon De Jesus Contreras

Represented By  
Andrew Edward Smyth

**Joint Debtor(s):**

Maria Del Rosario Contreras

Represented By  
Andrew Edward Smyth

**Trustee(s):**

Carolyn A Dye (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT...**

**Ramon De Jesus Contreras and Maria Del Rosario**

**Chapter 7**

James A Dumas Jr  
John K Park  
Christian T Kim  
Miri Kim Wakuta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#11.00** Hearing re: Motion to dismiss adversary proceeding complaint under Federal Rule of Civil Procedure 12(b)(6)

Docket 15

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 3/26/19 at 2:30 p.m.  
per stip & order entered on 2/21/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 3/26/19 at 2:30 p.m.. No appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Movant(s):**

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**  
C John M Melissinos

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#12.00** Hearing re: Motion to strike portions of complaint pursuant to rule 12(f) of the Federal Rules of Civil Procedure

Docket 17

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 3/26/19 at 2:30 p.m.  
per stip & order entered on 2/21/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 3/26/19 at 2:30 p.m.. No appearances are required on 3/5/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Movant(s):**

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**  
C John M Melissinos

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#13.00** Hearing re: Motion for summary adjudication on : (1) its second, third and fourth claims for relief; and (2) Voong's second claim for relief

Docket 33

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/5/19 to 4/9/19 at 2:30 p.m. per order entered on 2/14/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/9/19 at 2:30 p.m.. No appearances are required on 3/5/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#14.00** Hearing re: Trustee's motion to approve: 1. equity buy back agreement; and  
2. abandonment of property of the estate

Docket 52

**Tentative Ruling:**

Grant trustee's motion to approve equity buyback agreement and abandonment of property of the estate for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 3/5/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Janine Liebert

Represented By  
Charles Shamash

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17238 Metamason, Inc**

**Chapter 7**

**#15.00** Motion for order: (1) authorizing sale of property pursuant to 11 U.S.C. §363(b); (2) approving bidding procedures; (3) approving buyer as good-faith purchaser pursuant to 11 U.S.C. §363(m); and (4) approving compromise of controversy pursuant to Federal Rule of Bankruptcy Procedure 9019

Docket 15

**Tentative Ruling:**

Grant trustee's motion authorizing sale of property pursuant to 11 U.S.C. 363(b), approving bidding procedures and compromise of controversy pursuant to FRBP 9019 for the reasons stated in the moving papers and for lack of timely written opposition. No tentative ruling on request to approve buyer as good faith purchaser pursuant to 11 U.S.C. 363(m) since overbidding may occur at the hearing. Appearances are required on 3/5/19.

**Party Information**

**Debtor(s):**

Metamason, Inc

Represented By  
Marcus G Tiggs

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18268 Michelle Vanna Che**

**Chapter 7**

**#16.00** Hearing re: Motion by chapter 7 trustee objecting to debtor's exemption

Docket 31

**Tentative Ruling:**

Grant trustee's motion objecting to debtor's claimed exemptions for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 3/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Michelle Vanna Che

Represented By  
Brad Weil

**Trustee(s):**

JOHN J MENCHACA

Represented By  
Larry D Simons

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#17.00** Hearing re: Motion for entry of order: (1) establishing bidding and sale procedures for sale of debtor's real estate related assets; (2) approving form of notice to be provided to prospective buyers; and (3) scheduling a hearing for the court to consider approval of the sale of the debtor's real estate related assets to the highest and best bidder(s)

Docket 209

**Tentative Ruling:**

The supporting declaration of Marvin Scheidt in the motion lacks a date of execution as required by 28 U.S.C. 1746(2) and needs to be corrected with an amended declaration filed and placed on the docket.

No tentative ruling on the appropriate minimum bid increments for the auction sale since it depends on proportionality, and the interests of the efficiency of the auction and the effectiveness of the auction in realizing value for the estate, and there is no information regarding proposed minimum bids for the properties in order for the court to meaningfully assess the proposed bid increments of \$5,000 from the committee and \$25,000 from the debtor.

The debtor agrees to the request of the committee that the proposed bid protections is subject to the condition that the stalking horse bidder is neither an insider nor an affiliate of the debtor, which condition is acceptable to the court.

The court notes that there was no objection to the proposed three percent breakup fee, which is acceptable to the court.

Regarding the committee's request for clarification regarding the applicability of any credit bid to any unencumbered properties and the allocation of the purchase price on a property by property basis in the event of a credit bid by a secured lender, and debtor's response that the issues raised by the request are premature because such issues may not be ultimately raised if there is only one bid for the sale assets or the submitted bids only relate to indisputably encumbered properties. While debtor makes a valid point, it seems that in order that the sale be conducted with a minimum of contested



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

litigation over the encumbered status of particular assets, it would seem that there should be information known by debtor or available to debtor through public database sources like Westlaw.

The committee has asked for clarification that two of the fifteen estate properties are unencumbered, and debtor in reply states that it does not have the financial ability to provide confirmation. Debtor should explain why it does not have information regarding encumbrances on its properties, such as trust deeds, mortgages and property tax liens. Debtor should also explain its lack of ability to pay for preliminary title reports for the assets to be sold, or more reasonable cost alternatives, such as property profiles or Westlaw public database property reports, though the court also realizes that time is of the essence due to possible foreclosure activity by Great Rock. The court inquires of debtor how much information is known about the identity and extent of the liens and lienholders as to each property and whether this information has been or is being made available to prospective bidders. The court recognizes that the bidding parties will be responsible for their due diligence, and the court does agree with the committee in principle that a lienholder cannot credit bid on property it does not have a lien on, but the court feels that it would help if measures can be taken now to anticipate and minimize these allocation disputes.

Regarding the proposed form of notice to be provided to prospective buyers and other parties in interest, the form was supposed to be attached as Exhibit 1 to the reply, but it was not attached, so no tentative ruling on this item.

Regarding scheduling a sale hearing on or before April 9, 2019, the court can tentatively schedule a hearing of one hour for Tuesday April 9, 2019 at 11:00 a.m. If additional time is needed, the court can schedule a hearing on Monday April 8, 2019.

Appearances are required on 3/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

---

2:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11772 Josephine Covarrubias**

**Chapter 7**

**#18.00** Hearing re: Application to have the Chapter 7 filing fee waived

Docket 6

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 2/20/19-mb.**

**Tentative Ruling:**

Off calendar. Application granted by order entered on 2/20/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Josephine Covarrubias | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23906 Robert Yi and Marissa Paige Martinez-Yi**

**Chapter 7**

**#19.00** Cont'd hearing re: Debtor's Motion for authority to redeem personal property and approval of associated financing and attorney fees under 11 U.S.C. 722 fr. 2/19/19

Docket 0

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. The court has reviewed debtors' supplemental declaration filed on 2/22/19 admitting that the property is not claimed as exempt, but asserting that the property was abandoned when the trustee filed a no distribution report. However, under applicable and controlling Ninth Circuit case precedent, *In re Reed*, 940 F.2d 1317, 1321 (9th Cir. 1991), contrary to debtors' position, the filing of a no distribution report by the trustee does not effect an abandonment. The bankruptcy case must be closed to effect a "technical abandonment" under 11 U.S.C. 554(c), which is probably what debtors mean. Thus, at this time, pending closing of the case, the court cannot make a finding that the property is either exempt or abandoned, and cannot grant the motion until the property is either exempt or abandoned. The court could either deny the motion without prejudice or continue the hearing for debtors to exempt the property, request voluntary abandonment by the trustee, move to compel abandonment or wait until the case is closed for a technical abandonment. There are advantages and disadvantages to these various alternatives. Appearances are required on 3/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. Appearances are required on 2/19/19 to address the concerns raised in the court's order filed and entered on 2/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert Yi

Represented By  
Rex Tran

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Robert Yi and Marissa Paige Martinez-Yi**

**Chapter 7**

**Joint Debtor(s):**

Marissa Paige Martinez-Yi

Represented By  
Rex Tran

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11848 Adolphus Nduka Mgbeahurike**

**Chapter 7**

**#20.00** Hearing re: Application to have the chapter 7 filing fee waived

Docket 7

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 2/22/19-mb.**

**Tentative Ruling:**

Off calendar. Application granted by order entered on 2/22/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

|                            |        |
|----------------------------|--------|
| Adolphus Nduka Mgbeahurike | Pro Se |
|----------------------------|--------|

**Trustee(s):**

|                  |        |
|------------------|--------|
| Timothy Yoo (TR) | Pro Se |
|------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11854 Jordan Frank Warren**

**Chapter 7**

**#21.00** Hearing re: Application to have the chapter 7 filing fee waived

Docket 8

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 2/22/19-mb.**

**Tentative Ruling:**

Off calendar. Application granted by order entered on 2/22/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Jordan Frank Warren

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-24500 Eric Ojiyi**

**Chapter 7**

**#22.00** Hearing re: Motion to dismiss bankruptcy

Docket 15

**\*\*\* VACATED \*\*\* REASON: Taken off calendar per order entered on  
2/28/19-mb.**

**Tentative Ruling:**

Off calendar. By prior order, the court has determined that oral argument on the motion is unnecessary and dispenses with it, vacated the hearing, took the motion under submission and issued a written ruling on the motion. No appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Eric Ojiyi

Represented By  
Brad Weil

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#1.10** Cont'd hearing re: Disclosure statement  
fr. 2/20/19

Docket 211

**Tentative Ruling:**

Revised tentative ruling as of 3/5/19. Because the disclosure statement has not been amended since the last hearing, the court will call this matter on its 11:00 a.m. calendar with the other matters in this case scheduled for hearing on the 11:00 a.m. calendar. No tentative ruling on the merits. Appearances are required at 11:00 a.m. on 3/6/19, and not at 10:30 a.m., but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15233 Kristine Lynn Heicke**

**Chapter 11**

**#1.00** Hearing re: Debtor's motion for entry of discharge and final decree in chapter 11 case pursuant to 11 U.S.C. §1141(d)(5) upon completion of payments to unsecured creditors

Docket 149

**Tentative Ruling:**

In her declaration in support of the motion, debtor states that she completed her payments to general unsecured creditors and is current on her payments to secured creditors. However, the court cannot confirm the accuracy of these assertions and requires that debtor submit a supplemental declaration with a chart showing all plan payments made, indicating what and when they were due and when they were made, so the court can confirm that the case is ready for discharge based on assurance of completion of payments. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Kristine Lynn Heicke

Represented By  
Daniel King  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code fr. 12/5/18, 12/19/18, 1/9/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#2.10** Cont'd hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information fr. 2/20/19, 1/19/19

Docket 215

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 6/27/18, 10/17/18, 1/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits.  
Appearances are required on 10/17/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/29/18, 11/28/18, 12/12/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Nina Mosby**

**Chapter 11**

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#5.00** Hearing re: Motion to allow late filing of proof of claim

Docket 225

**Tentative Ruling:**

Grant creditor's motion to allow filing of late proof of claim to be deemed timely for the reasons stated in the moving papers. Cause to extend time for creditor to file is shown under FRBP 3003(c)(3) because of excusable neglect since there is no danger of prejudice to debtor since the case is not ready for plan confirmation with debtor just recently filing a disclosure statement, the length of the delay is relatively short, 7 months from the bar date, and the impact on the proceedings is minimal, the reason for the delay is the failure of debtor to give notice of the bar date to creditor, and the recent appointment of a trustee for creditor, and failure to give notice of the bar date of creditor was not within creditor's control (the evidence in the record is undisputed that no notice of the bar date was given to creditor since it was not listed as a creditor on debtor's schedules, and debtor's service of a notice of automatic stay from its bankruptcy case on creditor's state court counsel does not give notice of the bar date, see *In re Villar*, 317 B.R. 88, 92-94 (9th Cir. BAP 2004)(service on state court litigation counsel of a party may not be effective service in bankruptcy case unless authorization to accept service is shown) and creditor has acted in good faith in seeking permission to file a late claim after the bar date since it had no notice of the bar date since debtor did not give notice to creditor. See *Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 389 (1993); *In re Maya Construction Co.*, 78 F.3d 1395, 1399 (9th Cir. 1996)(distinguishing *In re Coastal Alaska Lines, Inc.*, 920 F.2d 1428 (9th Cir. 1990) and *Matter of Gregory*, 705 F.2d 1118 (9th Cir. 1983) where notice of creditors' meeting was given and put unscheduled creditor on notice of due date of claims)). Notice to Tony Trinh, creditor's principal, is insufficient to give notice to creditor since creditor is a separate legal entity having a separate legal identity entitled to separate notice. To the extent that Debtor's arguments in opposition go to the merits of the proof of claim, such arguments will be considered on a determination of the claim on the merits when an objection to the claim is filed pursuant to FRBP 3007. Appearances are required on 3/6/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Catherine Trinh**

**Chapter 11**

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#5.10** Hearing re: Motion for further extension of exclusivity periods to file a disclosure statement and plan, and seek acceptances of plan of reorganization

Docket 235

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#6.00** Cont'd hearing re: Application for compensation first interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP, for the period of May 1, 2018 through and including December 31, 2018 for Ashley M McDow, debtor's attorney  
fr. 1/30/19

Docket 141

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 3/6/19 at 11:00 a.m. by prior order. No appearances are required on 1/30/19.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#7.00** Hearing re: Motion to extend exclusive period to propose and solicit approval of plan of reorganization

Docket 153

**Tentative Ruling:**

No tentative ruling as of 3/4/19. Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

**#8.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By  
Matthew D. Resnik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#9.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#9.10** Cont'd hearing re: Disclosure statement  
fr. 1/30/19, 2/27/19

Docket 82

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. The full street address of the court should be listed on the caption of the third amended disclosure statement, and the date and time of the plan confirmation hearing will have to be stated in the caption and in the text of the third amended disclosure statement. The full mailing address of counsel for debtor as the recipient of ballots and service of objections to plan confirmation should be stated in the text of the disclosure statement. The "Y/N"s on page 7 of the third amended plan for Class 4 claims will need to be selected. Otherwise, no tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. The second amended disclosure statement and proposed plan are deficient because: (1) the class numbering is incorrect and inconsistent; (2) the funding for the plan section of the disclosure statement should state that debtor intends to sell the property within 45 days of the effective date of the plan; (3) the plan and disclosure statement do not contain a provision to define the effective date of the plan; (4) the discharge provision is incorrect because debtor is ineligible for a discharge under 11 U.S.C. 1141(d)(3) because the plan provides for liquidation of all or substantially all of the property of the estate. Debtor needs to address objection of creditor Velocity Commercial Capital Loan Trust 2014-1. Appearances are required on 2/27/19, but counsel may appear by telephone.

Revised tentative ruling as of 1/28/19. Debtor filed an amended disclosure statement on 1/23/19, which may require a continuance of the hearing to allow creditors to respond. Scheduling of a further hearing on the disclosure statement may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary.



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**Hearing Room 1675**

11:00 AM

**CONT... Raesi Group, Inc**

**Chapter 11**

Appearances are required on 1/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#9.20** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 1/30/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/29/18. No tentative ruling on the merits.  
Appearances are required on 10/31/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

No updated tentative ruling as of 8/20/18. Appearances are required on  
8/22/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
claims bar date should be at least 60 days from the date of notice of bar date  
to creditors, so 6/1/18 is not appropriate. Otherwise, no tentative ruling on the  
merits. Appearances are required on 4/25/18, but counsel may appear by  
telephone.

**Party Information**

**United States Bankruptcy Court  
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11:00 AM

**CONT... Raesi Group, Inc**

**Chapter 11**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Wednesday, March 6, 2019

Hearing Room 1675

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#10.00** Cont'd hearing re: Motion of Jennifer Kellen for allowance and immediate payment of administrative claim pursuant to 11 U.S.C. § 503(b)(1)(A)(i) fr. 10/3/18, 11/7/18

Docket 2375

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/6/19 to 3/13/19 at 1:30 p.m. per stip & order entered on 3/1/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. The court will treat the hearing as a status conference to set a schedule of further proceedings. The parties should confer regarding their pretrial needs and an appropriate schedule. Appearances are required on 11/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#11.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims  
fr. 8/8/18, 9/12/18, 11/7/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/6/19 to 3/13/19 at 1:30 p.m.  
per order entered on 2/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. Off calendar. Continued by stipulation and order to 3/13/19 at 1:30 p.m. No appearances are required on 3/6/19.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

| Document | Tentative Ruling |
|----------|------------------|
|----------|------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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1:30 PM

CONT...

**Art and Architecture Books of the 21st Century**

**Chapter 11**

|  |  |
|--|--|
| <p>400 S. La Brea, LLC's 2015 Balance Sheet</p> <p>400 S. La Brea, LLC's 2016 Balance Sheet</p> <p>400 S. La Brea, LLC's 2016 Income Statement</p> <p>400 S. La Brea, LLC's 2016 Federal and State Tax Returns</p> | <p>Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).</p>   |
| <p>2012 Appraisal of the Subject Property</p> <p>2013 Appraisal of the Subject Property</p>  | <p>Order disclosure, subject to redaction of "confidential commercial information."</p>  |
| <p>2017 Appraisal of the Subject Property</p> <p>Technical Review of the 2017 Appraisal of the Subject Property</p>  | <p>Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term.</p> |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits.  
Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits.  
Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits.  
Appearances are required on 3/7/18, but counsel may appear by telephone.

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1:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender

**United States Bankruptcy Court  
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**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation, Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se



**United States Bankruptcy Court  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#11.10** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr.12/19/18, 1/30/19, 2/27/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for

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Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Curtis C. Magleby**

**Chapter 11**

creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
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CONT... **Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits.  
Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#11.20** Cont'd hearing re: Disclosure statement  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own  
motion continues the hearing in light of the pending motion of counsel for  
creditor Cindy Magleby to withdraw and of the need for the assigned judge to  
recover from recently scheduled but urgent dental surgery scheduled for  
12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status  
conference to discuss the impact of the pending motion of counsel for creditor  
to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.  
Continued on the court's own motion by separate order to 11/29/18 at 1:30  
p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on  
8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#11.30** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#11.40** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA  
Accountancy, LLP  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

**#11.50** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#11.60** Status conference re: Various matters including sale of debtor's residence and creditor  
Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i)

Docket 656

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 6, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#12.00** Hearing re: Motion to appoint an examiner [11 U.S.C. § 1104(c)]

Docket 107

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-23924 Hanan Hassan**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Cab West, LLC VS Debtor)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Hanan Hassan

Represented By  
Clay E Presley

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24849 Susanne Barbara Mendoza**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(U.S. Bank NA VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Susanne Barbara Mendoza

Represented By  
Marc A Goldbach

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-25043 Nereida Najera**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(UNIFY Financial Federal Credit Union VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny stay relief pursuant to 11 U.S.C. 362(d)(2) because movant failed to meet its burden of proving lack of equity under 11 U.S.C. 362(g)(1) since the moving papers admit themselves that debtor has equity of \$1,096.40 in the collateral. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Nereida Najera

Represented By  
James C Shields

**Movant(s):**

UNIFY Financial Federal Credit

Represented By  
Brett P Ryan

**Trustee(s):**

Sam S Leslie (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Nereida Najera**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10255 Juan Luis Jimenez**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(ACAR Leasing Ltd dba GM Financial Leasing VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Juan Luis Jimenez

Represented By  
Glenn Ward Calsada

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10605 Mylon Deon Ridgway**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Bank of the West VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mylon Deon Ridgway

Represented By  
Todd L Turoci

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10605 Mylon Deon Ridgway**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(CIT Bank, N.A. VS Debtor)

Docket 14

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mylon Deon Ridgway

Represented By  
Todd L Turoci

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#7.00**      Cont'd hearing re: Motion to dismiss amended complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Financial Credit Union f/k/a Western Federal Credit Union 4) damages by any other party does 1-20 under Federal Rule Civil Procedure 12(b)(6)  
fr. 2/26/19

Docket      19

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 3/12/19 to 4/9/19 at 11:00 a.m.  
per order entered on 3/8/19- st**

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. The court on its own motion by prior order has continued the hearing to 4/9/19 at 11:00 a.m. and further ordered supplemental briefing. No appearances are required on 3/12/19.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                        |                                |
|------------------------|--------------------------------|
| Discover Bank          | Pro Se                         |
| Unify Credit Union     | Represented By<br>Brett P Ryan |
| Attorney Anerio Altman | Pro Se                         |
| Does 1-20              | Pro Se                         |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Arturo Gonzalez**

**Chapter 7**

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, March 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#8.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)  
fr. 1/8/19, 2/19/19

Docket 31

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. No tentative ruling on the merits. Appearances are required on 2/19/19 to discuss scheduling of further proceedings if debtor has obtained competent and admissible evidence of valuation, but counsel may appear by telephone.

Prior tentative ruling. The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence

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**CONT... Joseph West**

**Chapter 7**

of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, March 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-22902 Jose Antonio Santiago**

**Chapter 7**

**#9.00** Cont'd hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)  
fr. 2/19/19

Docket 48

**Tentative Ruling:**

No tentative ruling as of 3/11/19. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
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| Jose Antonio Santiago | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                   |        |
|-------------------|--------|
| Jason M Rund (TR) | Pro Se |
|-------------------|--------|

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#10.00** Cont'd hearing re: Motion to dismiss  
fr. 8/7/18, 9/11/18, 10/9/18

Docket 23

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Defendant filed a notice that the state appellate court issued its opinion on plaintiff's appeal in the state court action, but did not attach a copy of the opinion. Based on defendant's motion to dismiss plaintiff's first amended complaint (docket number 23) as supplemented in further pleadings (docket numbers 28, 88 and 90), it appears that the motion to dismiss should be converted to a motion for summary judgment since defendant's pleadings refer to matters outside the pleadings in order to argue that the first amended complaint should be dismissed with prejudice on grounds of res judicata. Federal Rule of Bankruptcy Procedure 7012, incorporating by reference, Federal Rule of Civil Procedure 12(d). As such, the court should order defendant as the moving party to file a statement of uncontroverted facts and conclusions of law under Local Bankruptcy Rule 7056-1(b)(2) and plaintiff as the responding party a statement of genuine issues and conclusions of law under Local Bankruptcy Rule 7056-1(c)(2), so that there are coherent reasons based on the record for the court's ultimate ruling on the motion. Moreover, it is unclear that the state court judgment as upheld by the state appellate court is final for res judicata purposes since it is unclear if the time for further appellate review by the California Supreme Court has expired. See *Pellissier v. Title Guarantee & Trust Co.*, 208 Cal. 172, 184 (1929). Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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1:30 PM

**CONT... Gary Moll**

**Chapter 7**

Prior tentative ruling as of 9/10/18. Off calendar. The hearing is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 6/12/17. No tentative ruling on the merits. Appearances are required on 6/13/17, but counsel may appear by telephone.

Updated tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation and the court would stay the proceedings in this court until the state court litigation is completed, the court would deny the motion without prejudice. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

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1:30 PM

**CONT... Gary Moll**

**Chapter 7**

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

No tentative ruling as of 8/8/16. Appearances are required on 8/9/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir  
Gary E Moll

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir  
Gary E Moll

Gary E Moll and Associates

Represented By  
Ilyse Klavir  
Gary E Moll

**United States Bankruptcy Court  
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1:30 PM

**CONT... Gary Moll**

**Chapter 7**

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

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1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057      Salzman v. Moll et al

**#11.00**      Cont'd status conference re: Complaint for dischargeability 11 U.S.C. §523(a)(2), false pretenses, false representation, actual fraud and dischargeability; 11 U.S.C. §523(a)(6), willful and malicious injury; verification fr. 8/7/18, 9/11/18, 10/9/18

Docket      1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The status conference is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to

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**CONT... Gary Moll**

**Chapter 7**

substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation, and the court would stay the proceedings in this court until the state court litigation is completed. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

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**CONT... Gary Moll**

**Chapter 7**

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits.  
Appearances are required on 8/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. Off calendar. The court noting that defendant has noticed a hearing on his motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m., the court continues on its own motion the status conference on 7/19/16 at 1:30 p.m. to the date and time of the hearing on defendant's motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m. No appearances are required on 7/19/16.

Prior tentative ruling. The status conference will be heard at 3:00 p.m. with the hearing on defendant's motion to dismiss. Appearances are required on 3:00 p.m. calendar, not the 1:30 p.m. calendar. No tentative ruling on the merits for the status conference.

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| <b>Party Information</b> |
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**Debtor(s):**

|           |                                |
|-----------|--------------------------------|
| Gary Moll | Represented By<br>Ilyse Klavir |
|-----------|--------------------------------|

**Defendant(s):**

|                            |                                |
|----------------------------|--------------------------------|
| Gary E Moll                | Represented By<br>Ilyse Klavir |
| Gary E Moll and Associates | Represented By<br>Ilyse Klavir |

**Plaintiff(s):**

|              |        |
|--------------|--------|
| Gary Salzman | Pro Se |
|--------------|--------|

**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Howard M Ehrenberg (TR) | Pro Se |
| Howard M Ehrenberg (TR) | Pro Se |

**U.S. Trustee(s):**

|                            |        |
|----------------------------|--------|
| United States Trustee (LA) | Pro Se |
|----------------------------|--------|



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**Tuesday, March 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#12.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt and for denial of discharge  
fr. 4/25/17, 1/16/18, 9/18/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 5/28/19 at 1:30 p.m. based on plaintiff's intention to notice a motion for summary judgment for hearing in April or May 2019. The court on its own motion continues the status conference to 5/28/19 at 1:30 p.m. No appearances are required on 3/12/19.

Prior tentative ruling as of 9/17/18. The court has reviewed the joint status report. Appearances are required on 9/18/18 to discuss the status of debtor's pending state court appeal and the scheduling of further proceedings in this adversary proceeding, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. The court has reviewed the joint status report that the parties are requesting a stay pending the outcome of debtor's state court appeal. Appearances are required on 1/16/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/27/17. Off calendar. The court has reviewed the joint status report requesting that the status conference be continued for 3 weeks for the parties to evaluate the state court judgment recently entered. The court on its own motion continues the status conference to 3/21/17 at 1:30 p.m. Counsel for plaintiff to notify counsel for defendant of the continuance. No appearances are required on 2/28/17.

Prior tentative ruling as of 12/5/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/6/16, but counsel may appear by telephone.

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1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

Prior tentative ruling as of 9/26/16. Appearances are required on 9/27/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Richard L Barnett

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Richard L Barnett

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**Tuesday, March 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-14690 Angela Maria Porcell Smith**

**Chapter 7**

Adv#: 2:18-01231 Mercedes-Benz Financial Services USA LLC, as servi v. Smith

**#13.00** Cont'd status conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §§ 523(a)(6) and 523(a)(2)(A)]  
fr. 9/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/12/19 to 6/25/19 at 1:30 p.m.  
per stip & order entered on 2/27/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 6/25/19 at 1:30 p.m. No appearances are required on 3/12/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Angela Maria Porcell Smith

Represented By  
Beatriz Chen

**Defendant(s):**

Angela Maria Porcell Smith

Pro Se

**Joint Debtor(s):**

Michael S. Smith

Represented By  
Beatriz Chen

**Plaintiff(s):**

Mercedes-Benz Financial Services

Represented By  
Rebecca A Caley

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, March 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#14.00** Order to show cause why sanctions should not be imposed against defendant Martha Alicia Fernandez and defendant's attorney Gary S. Saunders for failure to appear at the January 8, 2019 status conference

Docket 11

**Tentative Ruling:**

No tentative ruling as of 3/11/19. Appearances are required on 3/12/19, but counsel may appear.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

Guadalupe L Cruz

Pro Se

Jose L Cruz

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

1:30 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#15.00** Cont'd status conference re: Complaint for non-dischargeability of debtor under §523(a)  
(2)(A)  
fr. 1/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. The court has reviewed the joint status report. Set a discovery cutoff date of 7/1/19 and a post-discovery status conference on 7/30/19 at 1:30 p.m. with a joint status report due on 7/23/19. Appearances are required on 3/12/19 to discuss the failure of counsel to have the early meeting of counsel under LBR 7026-1 and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling. The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

**United States Bankruptcy Court  
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1:30 PM

**CONT... Martha Alicia Fernandez**

**Chapter 7**

Guadalupe L Cruz Pro Se

Jose L Cruz Pro Se

**Trustee(s):**

Elissa Miller (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, March 12, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#16.00** Cont'd pretrial conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 5/15/18, 5/22/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/12/19 to 4/30/19 at 2:00 p.m. per hearing held on 2/26/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. Continued to 4/30/19 at 2:00 p.m. by oral agreement and ruling at hearing on 2/26/19. No appearances are required on 3/12/19.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**United States Bankruptcy Court  
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2:00 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#17.00** Cont'd hearing re: Motion for partial summary judgment on the fourth cause of action fr. 1/8/19

Docket 35

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/12/19 to 3/27/19 at 2:00 p.m.  
per order entered on 3/7/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. Continued on the court's own motion to 3/27/19 at 2:00 p.m. by order filed and entered on 3/7/19. No appearances are required on 3/12/19.

Prior tentative ruling. Continued on the court's own motion to 3/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, March 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-20957 Raza Kazmi**

**Chapter 7**

Adv#: 2:18-01331 USC Credit Union v. Kazmi et al

**#18.00** Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 16

**Tentative Ruling:**

Grant plaintiff's motion for default judgment because the subject student loan debt is excepted from discharge in this bankruptcy case pursuant to 11 U.S.C. § 523(a)(8). According to the Supreme Court in *Tennessee Student Assistance Corp. v. Hood*, 540 U.S. 440 (2004), 11 U.S.C. §523(a)(8) is "self-executing", and "[u]nless the debtor affirmatively secures a hardship determination, the discharge order will not include a student loan debt." 540 U.S. at 450. In this case, the student loan creditor has filed an adversary complaint to determine a debt that is deemed excepted from discharge already because debtor has not affirmatively secured a determination of undue hardship if he had to repay the student loan, and debtor is in default for not timely responding to the complaint. While there is nothing in 11 U.S.C. §523(a)(8) that precludes a creditor from filing an adversary complaint to determine dischargeability of a student loan debt, and the court is not aware of any case precedent that would so preclude standing of creditor to bring an action under 11 U.S.C. §523(a)(8), it seems that it really is not necessary to seek such a determination since the debt is deemed excepted from discharge unless and until debtor affirmatively obtains a determination of undue hardship. Moreover, because debtor's circumstances in the future could change so that he could plausibly argue that he would suffer undue hardship if he had to repay the student loan debt, the granting of relief to plaintiff in this case would have to be without prejudice to debtor filing an action for dischargeability of debt based on undue hardship in the future. Deny plaintiff's request for attorneys' fees because such fees are inherently unreasonable in this situation where the student loan debt is already deemed excepted from discharge in the absence of debtor affirmatively securing a

**United States Bankruptcy Court  
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Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Raza Kazmi**

**Chapter 7**

determination of undue hardship and it was unnecessary to bring this action since 11 U.S.C. § 523(a)(8) is self-executing in excepting the student loan debt owed by debtor to plaintiff. Appearances are required on 3/12/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raza Kazmi

Represented By  
Richard T Baum  
Maureen Strube

**Defendant(s):**

Raza Kazmi

Pro Se

Maha Rehman

Pro Se

**Joint Debtor(s):**

Maha Rehman

Represented By  
Richard T Baum  
Maureen Strube

**Plaintiff(s):**

USC Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10131 Tamiko Shanette Carnes**

**Chapter 7**

**#19.00** Hearing re: United States Trustee's motion seeking disgorgement of compensation from attorney Byron M. Johnson

Docket 15

**Tentative Ruling:**

Revised tentative ruling as of 3/12/19. Off calendar. Motion resolved by stipulation and order, and hearing on motion vacated. No appearances are required on 3/12/19.

Prior tentative ruling. Grant motion of United States Trustee for disgorgement of fees for the reasons stated in the moving papers and for lack of timely written opposition, ordering disgorgement of \$400 in fees. Appearances are optional on 3/12/19. but counsel may appear by telephone. United States Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Tamiko Shanette Carnes

Represented By  
Byron M Johnson

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-28426 Chestnut, LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 11/7/18, 11/28/18, 12/19/18

Docket 59

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/7/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. Off calendar. The court has reviewed debtor's status report filed on 5/9/18 reporting that debtor is preparing a motion for final decree and requesting a 60 to 90 day continuance of the status conference for such motion to be noticed and heard. The court on its own motion continues the status conference to 8/8/18 at 11:00 a.m. No appearances are required on 5/16/18.

Updated tentative ruling as of 12/11/17. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 12/13/17, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/17. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Wednesday, March 13, 2019

Hearing Room 1675

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11:00 AM

CONT... Chestnut, LLC

Chapter 11

are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 12/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 3/14/16. Appearances are required on 3/16/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/15. Appearances are required on 5/12/15, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Chestnut, LLC

Represented By  
Raymond H Aver

**Movant(s):**

Chestnut, LLC

Represented By  
Raymond H Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. 10/3/18, 10/16/18, 11/13/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/16/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling will be issued for the evidentiary hearing on plan confirmation. Appearances are required on 5/31/18.

No updated tentative ruling as of 4/23/18. Appearances are required on 4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits. Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits. Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits. Appearances are required on 11/29/17, but counsel may appear by telephone.

Prior tentative ruling. Based on the stipulation and order entered on 10/26/17, the evidentiary hearing on plan confirmation set for 11/2/17 and 11/3/17 will be treated as a non-evidentiary status conference on 11/2/17 at 9:00 a.m. Appearances are required on 11/2/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Kurt Ramlo



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#3.00** Hearing re: Motion to extend exclusivity periods to file and solicit a plan of reorganization

Docket 132

**Tentative Ruling:**

Revised tentative ruling as of 3/12/19. Off calendar. Continued by stipulation and order to 3/27/19 at 11:00 a.m. No appearances are required on 3/13/19.

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By

Timothy J Yoo

Juliet Y Oh

Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
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Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, March 13, 2019

Hearing Room 1675

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#3.10** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18, 1/16/19, 3/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits.  
Appearances are required on 10/17/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
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Los Angeles  
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Wednesday, March 13, 2019

Hearing Room 1675

11:00 AM

2:18-14665 Hugo Hernandez

Chapter 11

#4.00 Cont'd hearing re: Disclosure statement  
fr. 1/16/19

Docket 58

\*\*\* VACATED \*\*\* REASON: Cont'd from 3/13/19 to 4/17/19 at 11:00 a.m.  
per order entered on 2/20/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. Continued to 4/17/19 at 11:00 a.m. by prior order. No appearances are required on 3/13/19.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Hugo Hernandez**

Lionel E Giron

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Wednesday, March 13, 2019

Hearing Room 1675

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#5.00** Hearing re: Application for compensation for legal services rendered and reimbursement of expenses on behalf of Law Offices of Lionel E. Giron for debtor in possession for Law Offices of Lionel E. Giron, debtor's attorney, period: 4/24/2018 to 2/20/2019, fee: \$17,390.00, expenses: \$214.97

Docket 76

**Tentative Ruling:**

Approve interim fee application of general bankruptcy counsel for debtor in possession for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 3/13/19, but counsel may appear by telephone. Counsel to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/19/18, 1/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/13/19 to 4/17/19 at 11:00 a.m.  
per order entered on 2/20/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. Continued to 4/17/19 at 11:00 a.m. by prior order. No appearances are required on 3/13/19.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19, 1/16/19, 1/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits.  
Appearances are required on 9/12/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

**Party Information**

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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... 8800 LLC**

**Chapter 11**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#8.00** Status conference re: Management of chapter 11 case

Docket 1

**Tentative Ruling:**

No tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, March 13, 2019**

**Hearing Room 1675**

11:30 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 2/5/19, 2/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. The court will discuss the status of the Phase I ruling with counsel. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/14/19. Appearances are required to discuss scheduling of further proceedings, including mediation and Phase 2 trial, but counsel may appear by telephone. Judge Wallace has indicated his willingness to serve as a mediator for this matter.

Prior tentative ruling as of 2/4/19. The court has reviewed debtor's status report requesting to be heard on the hardship caused by the delay of decision of Phase I of the trial. To bring this matter promptly to conclusion, the court is of the view that Phase II of the trial is probably needed and suggests that the parties to the dispute of debtor's objection to the claim of the IRS, debtor and the government, consider when Phase II can be scheduled and how long it will take (perhaps in March, April or May 2019). The issues relating to Phase II concern factual disputes whether debtor materially participated in the various business enterprises to warrant the business loss deductions, and the court expects that the witnesses would primarily be debtor and those who worked with him in these business enterprises and that the documentary evidence to be offered would be records of the various business enterprises to show his material participation. It seems to the court that debtor was not required to keep contemporaneous daily time reports or logs to substantiate his business activities to demonstrate material participation and may demonstrate it by reasonable means, such as business records and witness testimony showing his business activities to show material participation, which

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11:30 AM

CONT... Dale Alfred Williams

Chapter 11

may include his management activities.

If counsel for both debtor and the government appear for the status conference, a date for a status conference can be set, so a trial schedule can be set, or if only counsel for debtor appears, then counsel for debtor can give notice of a status conference to set a trial schedule. The documentary evidence is probably voluminous, which may require a further pretrial conference to consider how to handle for trial.

To expedite a final determination, the court will issue a written decision on Phase I and will treat it as a tentative decision subject to final ruling after Phase II is completed. This means the parties can make further arguments on the Phase I rulings before a final ruling is made on the matter after Phase II. In this regard, it would be helpful for counsel for debtor to upload his Phase I proposed findings of fact and conclusions of law, which were filed, but not uploaded, so the court can review for possible adoption.

The court is of the view that since this is a tentative refund situation, the IRS properly assessed the tax without having to follow deficiency procedures, 26 U.S.C. §6213(b)(3). *Blansett v. United States*, 283 F.2d 474 (8<sup>th</sup> Cir. 1960), cited in 1 Casey, Federal Tax Practice, §6:21 (November 2018 update), also citing, *Rushlight Automatic Sprinkler Co. v. United States*, 294 F.2d 572 (9<sup>th</sup> Cir. 1961)(United States entitled to maintain action for recovery of erroneous refund without previous deficiency notice). Thus, the assessment is not late based on failure to comply with deficiency procedures. Under the traditional rule governing burden of proof of assessed taxes, the taxpayer bears the burden of proving the assessments are arbitrary or erroneous. E.g., *United States v. Molitor*, 337 F.2d 917 (9<sup>th</sup> Cir. 1964). (However, due to enactment of 26 U.S.C. §7491 in 1998, the burden of proof may be different where the taxpayer produces credible evidence with respect to any factual issues relevant to ascertaining the liability of the taxpayer for any tax imposed under subtitle A or B of the Internal Revenue Code, including income taxes, but neither party addressed this statute in the proposed findings of fact and

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**CONT...**      **Dale Alfred Williams**  
conclusions of law.)

**Chapter 11**

If allowable, the tax claim would be entitled to priority status under 11 U.S.C. §507(a)(8)(A)(iii) as not assessed before, but assessable, under applicable law after the commencement of the case.

The court is also of the view that debtor has not met his burden of proving by a preponderance of the evidence that he timely made the election under 26 U.S.C. §469 and that the government does not have the burden of proving that he did not make a timely election based on lack of retention of the tax return which he alleged to have made the election.

However, the court is of the view that debtor could and did properly request the late entity aggregation election under Rev. Proc. 2011-34, which the IRS could and did exercise its discretion for tax years not in litigation (neither 2010 nor 1994 specifically was a tax year is in litigation referred by the IRS to the Justice Department) to grant the request and to notify that debtor as the taxpayer that the procedural requirements of Section 4.02 of the revenue procedure were met and that the taxpayer is to be treated as having made a timely election to treat all interests in rental real estate as a single rental real estate activity for which the late election back to 1994 was requested in the attachment to the amended 2010 return making the request. However, as specified in the section 5 of revenue procedure, such acceptance is not a determination of whether he is eligible to treatment based on the election, which presents factual issues for the tax years in litigation, and the government through the Justice Department can dispute debtor's eligibility for Rev. Proc. 2011-34 for the years in litigation referred to it, and whether debtor satisfied the requirements of 26 U.S.C. §469(c)(7)(B) or whether he materially participates in any activity. Rev. Proc. 2011-34, §5. The proposed findings of fact on both sides are not specific enough to completely address whether debtor has satisfied these requirements. See, e.g., Estate of Ramirez, T.C. Memo. 2018-196 (2018)(an example regarding specific facts measured against eligibility criteria of Section 4.01 of Rev. Proc. 2011-34 for

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Los Angeles  
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11:30 AM

**CONT... Dale Alfred Williams**  
aggregation treatment).

**Chapter 11**

The court has jurisdiction to determine the tax under 11 U.S.C. §505 as set forth on the proof of claim, and in determining the amount, the court may determine whether or not debtor is eligible for treatment based on the late aggregation election under Rev. Proc. 2011-34, and the so-called "new" issues to determine the correct tax liability based on the amount of the correct tax refund amount. See *Lewis v. Reynolds*, 284 U.S. 281, 283 (1932).

Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are

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**CONT... Dale Alfred Williams**  
required on 8/22/18.

**Chapter 11**

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 4/25/18 at 11:30 a.m. No appearances are required on 3/27/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 3/28/18 at 11:30 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/8/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 2/28/18 at 11:30 a.m. No appearances are required on 1/10/18.

Prior tentative ruling as of 9/11/17. Off calendar. In light of the pending motion of the United States Trustee to dismiss or convert now set for hearing on 10/25/17 at 11:30 a.m., the court on its own motion continues the status

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**CONT... Dale Alfred Williams**

**Chapter 11**

conference to 10/25/17 at 11:30 a.m. No appearances are required on 9/13/17.

Prior tentative ruling as of 4/3/17. Off calendar. In light of the pendency of the litigation proceedings involving debtor's objection to the tax claims, the court on its own motion continues the status conference to 9/13/17 at 11:00 a.m. No appearances are required on 4/5/17.

Prior tentative ruling as of 12/12/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 12/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 6/15/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/14/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/16/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 3/9/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of litigation disputes of debtor's objection to the IRS claim and creditor Rory Williams's motion to file late-filed claim. Appearances are required on 3/11/15 to

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CONT... Dale Alfred Williams

Chapter 11

discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of debtor's objection to the IRS claim. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 8/25/14. Appearances are required on 8/27/14 to schedule a post-confirmation status conference, but counsel may appear by telephone.

Prior tentative ruling. The court continues on its own motion the status conference to 8/27/14 at 11:00 a.m. at which time the court will set a post-confirmation status conference in November 2014 since a post-confirmation status conference was not set at the confirmation hearing on 7/24/14. No appearances are required on 8/21/14

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman



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**Chapter 11**

**#10.00** Cont'd hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 2/19/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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CONT... Art and Architecture Books of the 21st Century and 400 S. Chapter 11

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

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**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#11.00** Cont'd hearing re: Plaintiff's motion pursuant to F.R.C.P. 37 and F.R.B.P. 7037 to issue terminating sanctions against defendants Ace Museum and Ace Gallery New York Corporation for breaching the court's October 18, 2018 order to respond to discovery fr. 1/15/19

Docket 478

**Tentative Ruling:**

Revised tentative ruling as of 3/11/19. It appears that defendants Ace Museum and Ace Gallery New York Corporation have not revived their corporate statuses and remain in default, and the motion for terminating sanctions should be granted for the reasons stated in the moving papers. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. By written order, the court grants request of entity defendants to continue hearing to obtain corporate revivors and continues the hearing to 3/13/19 at 1:30 p.m. Defendants must file and serve substantive oppositions by 2/27/19, and plaintiff must file and serve any reply by 3/6/19. No appearances are required on 1/15/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

Douglas Christmas

Represented By  
Alan W Forsley

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**CONT... Art and Architecture Books of the 21st Century Chapter 11**

|                                 |   |
|---------------------------------|---|
| Ace Gallery New York, Inc., a   | Represented By<br>Alan W Forsley  |
| ACE MUSEUM, a California        | Represented By<br>Alan W Forsley  |
| 400 S La Brea, LLC a California | Represented By<br>Michael W Vivoli<br>Ashley M McDow<br>Ronald Rus<br>Fahim Farivar<br>Brian L Davidoff<br>Keith Patrick Banner |
| Jennifer Kellen                 | Represented By<br>J. Bennett Friedman   |
| Michael D. Smith                | Pro Se  |
| Kamran Gharibian                | Pro Se  |
| Daryoush Dayan                  | Pro Se  |
| Cathay Bank, a California       | Pro Se  |
| Jennifer Kellen                 | Pro Se  |

**Plaintiff(s):**

|                                 |  |
|---------------------------------|--|
| THE OFFICIAL COMMITTEE OF       | Represented By<br>Victor A Sahn<br>Daniel A Lev<br>David J Richardson<br>Asa S Hami<br>Jessica Vogel |
| Official Committee Of Unsecured | Represented By<br>David J Richardson<br>Victor A Sahn  |
| Sam Leslie                      | Represented By<br>Victor A Sahn  |

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**CONT...**

**Art and Architecture Books of the 21st Century**

Carolyn A Dye  
David J Richardson  
Jason Balitzer

**Chapter 11**

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**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#12.00** Hearing re: Motion of plan agent to dismiss counterclaims of Douglas Christmas

Docket 511

**Tentative Ruling:**

Revised tentative ruling as of 3/11/19. Grant plaintiff's motion to dismiss as to claims on behalf of Ace Museum for the reasons stated in the moving papers because Ace Museum as a suspended California corporation could not have assigned its claims to defendant Christmas, Casiopea Bovet, LLC v. Chiang, 12 Cal.App.5th 656 (2017), and plaintiff has levied upon the assets of Ace Museum pursuant to a valid writ of attachment, and dismiss second counterclaim with prejudice since amendment would be futile, given the suspended status of Ace Museum. Grant plaintiff's motion to dismiss the other counterclaims of defendant Christmas as to property not identified on Schedule "1" or otherwise in the complaint because defendant as a matter of due process must specifically identify the property alleged to have been converted by the reorganized debtor, and otherwise, deny the motion to dismiss because the counterclaims by defendant Christmas on his own behalf state plausible claims. The court denies the motion as to plaintiff's claim of judicial immunity since the reorganized debtor allegedly has possession of the claimed assets as opposed to plaintiff acting in a representative capacity for the reorganized debtor. Plaintiff's judicial estoppel arguments regarding debtor's schedules and Christmas's schedules in his personal bankruptcy case appear to raise disputed issues of material fact that should not be resolved on a motion to dismiss. Appearances are required on 3/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By

Thomas M Geher

David W. Meadows

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**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Jerome S Cohen

Carolyn A Dye

**Defendant(s):**

Douglas Christmas

Represented By

Alan W Forsley

Ace Gallery New York, Inc., a

Represented By

Alan W Forsley

ACE MUSEUM, a California

Represented By

Alan W Forsley

400 S La Brea, LLC a California

Represented By

Michael W Vivoli

Ashley M McDow

Ronald Rus

Fahim Farivar

Brian L Davidoff

Keith Patrick Banner

Jennifer Kellen

Represented By

J. Bennett Friedman

Michael D. Smith

Represented By

Brian L Davidoff

Kamran Gharibian

Represented By

Brian L Davidoff

Daryoush Dayan

Represented By

Brian L Davidoff

Cathay Bank, a California

Pro Se

Jennifer Kellen

Represented By

Michael D Sobkowiak

Ace Gallery New York Corporation,

Represented By

Alan W Forsley

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**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

**Plaintiff(s):**

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel



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**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#13.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims fr. 9/12/18, 11/7/18, 3/6/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

| Document | Tentative Ruling |
|----------|------------------|
|----------|------------------|

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CONT...

**Art and Architecture Books of the 21st Century**

**Chapter 11**

|  |   |
|--|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet                       | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).   |
| 400 S. La Brea, LLC's 2016 Balance Sheet                       |   |
| 400 S. La Brea, LLC's 2016 Income Statement                    |   |
| 400 S. La Brea, LLC's 2016 Federal and State Tax Returns       |   |
| 2012 Appraisal of the Subject Property                         | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2013 Appraisal of the Subject Property                         |   |
| 2017 Appraisal of the Subject Property                         | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
| Technical Review of the 2017 Appraisal of the Subject Property |   |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits.  
Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits.  
Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits.  
Appearances are required on 3/7/18, but counsel may appear by telephone.

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**CONT...**      **Art and Architecture Books of the 21st Century**      **Chapter 11**

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender

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**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation, Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

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**2:17-19557 Alfonso Spindola Valdovinos**

**Chapter 7**

Adv#: 2:18-01032 Sarafin v. Valdovinos et al

**#14.00** Cont'd status conference re: Complaint: 1. To determine non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(A); 2. For denial of discharge pursuant to 11 U.S.C. § 727(a)(2)(A); 3. For denial of discharge pursuant to 11 U.S.C. § 727(a)(4)(A); 4. For denial of discharge pursuant to 11 U.S.C. § 727(a)(5); and 5. For a finding of alter ego liability  
fr. 4/10/18, 4/17/18, 7/31/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/13/19 to 5/14/19 at 1:30 p.m.  
per stip & order entered on 3/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. Off calendar. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/13/19.

Prior tentative ruling as of 7/30/18. Set discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/13/19 at 1:30 p.m. A joint status report is due on 3/6/19. Order this matter to mediation, and parties to select a mediator and an alternate by 9/30/18 and complete mediation by 3/13/19. Plaintiff to submit a proposed scheduling order within 7 days of hearing. Appearances are required on 7/31/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/18. No tentative ruling on the merits. Appearances are required on 4/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report and continues the status conference on its own motion to 4/17/18 at 2:30 p.m., the date of the hearing on the motion to dismiss (the court will also advance the hearing on the motion to dismiss to 2:30 p.m.). No appearances are required on 4/10/18. Counsel for plaintiff is to give notice to counsel for defendants.

**Party Information**

**Debtor(s):**

Alfonso Spindola Valdovinos

Represented By

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**CONT... Alfonso Spindola Valdovinos**

**Chapter 7**

William Radcliffe

**Defendant(s):**

|                               |        |
|-------------------------------|--------|
| Alfonso Spindola Valdovinos   | Pro Se |
| Isabel Valdovinos             | Pro Se |
| DOES 1 through 100, inclusive | Pro Se |

**Joint Debtor(s):**

|                   |                                     |
|-------------------|-------------------------------------|
| Isabel Valdovinos | Represented By<br>William Radcliffe |
|-------------------|-------------------------------------|

**Plaintiff(s):**

|              |                                |
|--------------|--------------------------------|
| Dory Sarafin | Represented By<br>Robert P Goe |
|--------------|--------------------------------|

**Trustee(s):**

|                   |        |
|-------------------|--------|
| Jason M Rund (TR) | Pro Se |
|-------------------|--------|

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**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01680 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#15.00** Cont'd pretrial conference re: Complaint for: (1) Disallowance of scheduled claim of Douglas Christmas pursuant to 11 U.S.C. §502(b)(1); (2) Disallowance of scheduled claim of Douglas Christmas pursuant to 11 U.S.C. §502(d); (3) Disallowance of scheduled claim of Jennifer Kellen pursuant to 11 U.S.C. §502(b)(1); (4) Disallowance of scheduled claim of Jennifer Kellen pursuant to 11 U.S.C. §502(d); (5) Equitable subordination of scheduled claims of Douglas Christmas and Jennifer Kellen pursuant to 11 U.S.C §510(c); (6) For recharacterization of scheduled unsecured claims; (7) For avoidance of preferential transfers pursuant to 11 U.S.C. §§547 and 550; (8) For avoidance of preferential transfers pursuant to 11 U.S.C. §§547 and 550; (9) For avoidance of fraudulent transfers pursuant to 11 U.S.C. §§548(a)(1)(A) and 550; (10) For avoidance of fraudulent transfers pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; (11) For avoidance of fraudulent conveyances pursuant to 11 U.S.C. §§544 and 550, and Cal. Civ. Code §3439.04(a)(1); and (12) For avoidance of fraudulent conveyances pursuant to 11 U.S.C. §§544 and 550, and Cal. Civ. Code §3439.04(a)(2)  
fr. 7/25/18, 6/26/18, 2/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Updated tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/26/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

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CONT... Art and Architecture Books of the 21st Century

Chapter 11

Updated tentative ruling as of 1/9/17. No tentative ruling on the merits. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Updated tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows



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**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

**Defendant(s):**

Douglas James Christmas Pro Se

Jennifer Kellen Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

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Los Angeles  
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**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion of Jennifer Kellen for allowance and immediate payment of administrative claim pursuant to 11 U.S.C. § 503(b)(1)(A)(i) fr. 10/3/18, 11/7/18, 3/6/19

Docket 2375

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. The court will treat the hearing as a status conference to set a schedule of further proceedings. The parties should confer regarding their pretrial needs and an appropriate schedule. Appearances are required on 11/7/18, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#17.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 1/30/19, 2/27/19, 3/6/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 13, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, March 13, 2019

Hearing Room 1675

2:00 PM

CONT... Curtis C. Magleby

Chapter 11

plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:15-22349 KELLY NORRIED**

**Chapter 7**

**#1.00** Reaffirmation Agreement Between Debtor and ONEMAIN FINANCIAL

Docket 90

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

KELLY NORRIED

Represented By  
Lauren Rode

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-21543 Marites Lugtu David**

**Chapter 7**

**#2.00** Reaffirmation Agreement Between Debtor and First City Credit Union

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Marites Lugtu David

Represented By  
Lauren M Foley

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22324 Carlos Daniel Lopez**

**Chapter 7**

**#3.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation re  
15 NISSAN ROGUE

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Carlos Daniel Lopez

Represented By  
Omar Zambrano

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22324 Carlos Daniel Lopez**

**Chapter 7**

**#4.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation  
re: 15 NISSAN SENTRA

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Carlos Daniel Lopez

Represented By  
Omar Zambrano

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22681 Jaleea N Jenkins**

**Chapter 7**

**#5.00** Reaffirmation Agreement Between Debtor and CarMax Auto Finance

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jaleea N Jenkins

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22743 Eslin Temu Castillo and Maria Carmen Temu**

**Chapter 7**

**#6.00** Reaffirmation Agreement Between Debtor and American Honda

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Eslin Temu Castillo

Represented By  
Marlin Branstetter

**Joint Debtor(s):**

Maria Carmen Temu

Represented By  
Marlin Branstetter

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22798 Frederick Garcia**

**Chapter 7**

**#7.00** Reaffirmation Agreement Between Debtor and CarMax Auto Finance

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Frederick Garcia

Represented By  
Elena Steers

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22847 Cecilia Sarah Ochoa**

**Chapter 7**

**#8.00** Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cecilia Sarah Ochoa

Represented By  
Seema N Sood

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22862 Brian Thomas Forest**

**Chapter 7**

**#9.00** Reaffirmation Agreement Between Debtor and Wells Fargo Auto

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Brian Thomas Forest

Represented By  
Barry E Borowitz

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22902 Jose Antonio Santiago**

**Chapter 7**

**#10.00** Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc., dba  
Chrysler Capital

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jose Antonio Santiago

Pro Se

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-22905 John Carroll and Donna Carroll**

**Chapter 7**

**#11.00** Reaffirmation Agreement Between Debtor and U.S. Bank National Association

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

John Carroll

Represented By  
Allan D Sarver

**Joint Debtor(s):**

Donna Carroll

Represented By  
Allan D Sarver

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23092 Sandra Herrarte**

**Chapter 7**

**#12.00** Reaffirmation Agreement Between Debtor and Nissan-Infiniti LT

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Sandra Herrarte

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23175 Maria Teresa Rojo**

**Chapter 7**

**#13.00** Reaffirmation Agreement Between Debtor and Ally Bank

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria Teresa Rojo

Represented By  
Michael H Colmenares

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23222 Richard Distefano**

**Chapter 7**

**#14.00** Reaffirmation Agreement Between Debtor and Ally Bank

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Richard Distefano

Represented By  
J Sheldon Capeloto

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23324 Sheryl Brunner Senter**

**Chapter 7**

**#15.00** Reaffirmation Agreement Between Debtor and SchoolsFirst Federal Credit Union

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Sheryl Brunner Senter

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23697 Kathryn Maverick James**

**Chapter 7**

**#16.00** Reaffirmation Agreement Between Debtor and Mechanics Bank

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

|                        |        |
|------------------------|--------|
| Kathryn Maverick James | Pro Se |
|------------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-23784 Maria Del Rocio Coria**

**Chapter 7**

**#17.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Maria Del Rocio Coria

Represented By  
Omar Zambrano

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24068 Jose De Jesus Rodriguez and Maria Velasquez**

**Chapter 7**

**#18.00** Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd.

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose De Jesus Rodriguez

Represented By  
Sanaz S Bereliani

**Joint Debtor(s):**

Maria Velasquez

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24070 Chet Eric Lee and Ronnetra Shaning Lee**

**Chapter 7**

**#19.00** Reaffirmation Agreement Between Debtor and CarMax Auto Finance

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Chet Eric Lee

Represented By  
Sanaz S Bereliani

**Joint Debtor(s):**

Ronnetra Shaning Lee

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24100 Joy Elizabeth Munerlyn**

**Chapter 7**

**#20.00** Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc., dba  
Chrysler Capital

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Joy Elizabeth Munerlyn

Represented By  
Philomena N Nzegge

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24100 Joy Elizabeth Munerlyn**

**Chapter 7**

**#21.00** Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Joy Elizabeth Munerlyn

Represented By  
Philomena N Nzegge

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24316 Marina Christine Robles**

**Chapter 7**

**#22.00** Reaffirmation Agreement Between Debtor and SchoolsFirst Federal Credit Union

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Marina Christine Robles

Represented By  
Christopher J Langley

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24333 Oscar Abraham Aguilar and Imelda Morales Aguilar**

**Chapter 7**

**#23.00** Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A. - 2014 Ford Truck

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Oscar Abraham Aguilar

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Imelda Morales Aguilar

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24333 Oscar Abraham Aguilar and Imelda Morales Aguilar**

**Chapter 7**

**#24.00** Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A. - 2014 Chevrolet Truck Silverado

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Oscar Abraham Aguilar

Represented By  
Nicholas W Gebelt

**Joint Debtor(s):**

Imelda Morales Aguilar

Represented By  
Nicholas W Gebelt

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24376 Gabriel J Garcia**

**Chapter 7**

**#25.00** Reaffirmation Agreement Between Debtor and Kia Motors Finance

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Gabriel J Garcia

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24379 Amparo Quintana Aguilar**

**Chapter 7**

**#26.00** Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

Amparo Quintana Aguilar

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24632 Jose Elias Briseno and Susana Briseno**

**Chapter 7**

**#27.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jose Elias Briseno

Represented By  
Hale Andrew Antico

**Joint Debtor(s):**

Susana Briseno

Represented By  
Hale Andrew Antico

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24645 Diane Kathleen Healy**

**Chapter 7**

**#28.00** Reaffirmation Agreement Between Debtor and ONEMAIN FINANCIAL

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

Diane Kathleen Healy

Represented By  
Barry E Borowitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24678 Sonia Ruiz Flores**

**Chapter 7**

**#29.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation  
2015 Toyota RAV4

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Sonia Ruiz Flores

Represented By  
Omar Zambrano

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24678 Sonia Ruiz Flores**

**Chapter 7**

**#30.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation  
2016 Toyota Scion IA

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Sonia Ruiz Flores

Represented By  
Omar Zambrano

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24707 Antonia Lezama-Tapia**

**Chapter 7**

**#31.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Antonia Lezama-Tapia

Pro Se

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24720 Marilou R Seegmiller**

**Chapter 7**

**#32.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Marilou R Seegmiller

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24938 Joseph Siminski**

**Chapter 7**

**#33.00** Reaffirmation Agreement Between Debtor and Sag-Afra Federal Credit Union

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Joseph Siminski

Represented By  
John D Monte

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24979 Ruben Cuevas and Maria De Lourdes Cuevas**

**Chapter 7**

**#34.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Ruben Cuevas

Represented By  
Marlin Branstetter

**Joint Debtor(s):**

Maria De Lourdes Cuevas

Represented By  
Marlin Branstetter

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-24999 Richard Baltazar**

**Chapter 7**

**#35.00** Reaffirmation Agreement Between Debtor and FLAGSHIP CREDIT ACCEPTANCE

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Richard Baltazar

Represented By  
Ricardo Nicol

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:18-25031 Lauren Reno**

**Chapter 7**

**#36.00** Reaffirmation Agreement Between Debtor and Cab West, LLC (2017 Ford Escape)

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Lauren Reno

Represented By  
Jeffrey J Hagen

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-10107 Gina Marie Jaramillo**

**Chapter 7**

**#37.00** Reaffirmation Agreement Between Debtor and First Investors Services Corporation

Docket 13

**\*\*\* VACATED \*\*\* REASON: Withdrawn per notice filed on 2/13/19-mb.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Gina Marie Jaramillo

Represented By  
Marc A Goldbach

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-10147 Ramon Asuncion Hechanova**

**Chapter 7**

**#38.00** Reaffirmation Agreement Between Debtor and Systems & Services Technologies, Inc.

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Ramon Asuncion Hechanova

Represented By  
Philomena N Nzegge

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 14, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-10571 Dennis James Escoto**

**Chapter 7**

**#39.00** Reaffirmation Agreement Between Debtor and ONEMAIN FINANCIAL

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Dennis James Escoto

Represented By  
Michael E Clark

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 21, 2019**

**Hearing Room 1675**

1:00 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code fr. 12/19/18, 1/9/19, 3/6/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 21, 2019**

**Hearing Room 1675**

1:00 PM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, March 21, 2019**

**Hearing Room 1675**

1:00 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information fr. 2/20/19, 1/19/19, 3/6/19

Docket 215

**Tentative Ruling:**

Updated tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:10-60711 Brunelle Equities LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(HSBC Bank USA VS Debtor)  
fr. 12/11/18, 2/27/19

Docket 265

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Motion resolved by further stipulation and order for adequate protection. Appearances are optional on 3/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Off calendar. Motion resolved by stipulated order filed and entered on 12/7/18. No appearances are required on 2/27/19.

Prior tentative ruling. Continued by stipulation and order to 2/27/19 at 11:00 a.m. No appearances are required on 12/11/18.

**Party Information**

**Debtor(s):**

Brunelle Equities LLC

Represented By  
Raymond H. Aver

**Movant(s):**

Christiana Trust, a division of

Represented By  
Jeannette Marsala  
John P Ward

HSBC Bank USA, National

Represented By  
Kelly M Raftery



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:16-18600 Jens Larsen**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Avalonbay Communities, Inc. VS Debtor)

Docket 56

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including retroactive annulment of stay, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jens Larsen

Represented By  
Matthew D. Resnik

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Carmela Pagay  
Diane C Weil

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#3.00** Hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB VS Debtor)

Docket 398

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 4/2/19 at 10:30 a.m.  
per stip & order entered on 3/21/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-15022 Diana Christina Peraza**

**Chapter 7**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(Mercedes-Benz Financial Services USA LLC VS Debtor)  
fr. 2/26/19

Docket 43

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. Movant has not submitted admissible evidence of lien to demonstrate standing to request stay relief. Exhibit A to motion lacks foundation of personal knowledge and authenticity under FRE 602 and 901 to demonstrate its lien since there is no declaration under penalty of perjury with someone with personal knowledge to authenticate the record of lien. Exhibit A is not a certificate of title or "pink slip", a record of a governmental agency that satisfies the authenticity requirements of FRE 902, such as FRE 902(2) or 902(13). Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Diana Christina Peraza**

**Chapter 7**

**Debtor(s):**

Diana Christina Peraza

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#5.00** Hearing re: Motion for relief from stay  
(Financial Services Vehicle Trust VS Debtor)

Docket 131

**Tentative Ruling:**

Revised tentative ruling as of 3/25/19 at 3:30 p.m. Off calendar. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

Prior tentative ruling as of 3/25/19 at 1:00 p.m. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10438 David Beverly Construction Inc.**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Acar Leasing Ltd dba GM Financial Leasing VS Debtor)

Docket 13

**Tentative Ruling:**

Deny motion for stay relief as moot because case has been dismissed.  
Appearances are optional on 3/25/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                 |        |
|---------------------------------|--------|
| David Beverly Construction Inc. | Pro Se |
|---------------------------------|--------|

**Trustee(s):**

|                     |        |
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| Peter J Mastan (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10438 David Beverly Construction Inc.**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(AmeriCredit Financial Services, Inc. dba GM Financial VS Debtor)

Docket 17

**Tentative Ruling:**

Deny motion for stay relief as moot because case has been dismissed.  
Appearances are optional on 3/25/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                 |        |
|---------------------------------|--------|
| David Beverly Construction Inc. | Pro Se |
|---------------------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10695 Gilbert Anthony Erentreich and Vanessa Lorraine Sierra-**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Partners Federal Credit Union VS Debtors)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Gilbert Anthony Erentreich

Represented By  
Navid Kohan

**Joint Debtor(s):**

Vanessa Lorraine Sierra-Erentreich

Represented By  
Navid Kohan

**Trustee(s):**

Elissa Miller (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11392 Jungsik Lee**

**Chapter 7**

**#9.00** Hearing re: Motion for relief from stay  
(9980 Grindlay Partners VS Debtor)

Docket 7

**Tentative Ruling:**

No tentative ruling. The moving papers fail to show that the automatic stay from debtor's bankruptcy case affects movant because there is no evidence showing any connection between debtor and the subject property. The moving papers tell the court that debtor claims a right of possession, but do not show it. Appearances are required on 3/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|             |        |
|-------------|--------|
| Jungsik Lee | Pro Se |
|-------------|--------|

**Trustee(s):**

|                    |        |
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| Elissa Miller (TR) | Pro Se |
|--------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11494 Joe Adan Estrada**

**Chapter 7**

**#10.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Joe Adan Estrada

Represented By  
Harriet L. Goldfarb

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#11.00** Hearing re: Motion for relief from stay  
(Arixa Fund III, LP VS Debtor)

Docket 9

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, and a date for an evidentiary hearing on valuation since the parties dispute valuation. Appearances are required on 3/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11741 Mario Alfredo Ramirez**

**Chapter 7**

**#12.00** Hearing re: Motion for relief from stay  
(LBS Financial Credit Union VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mario Alfredo Ramirez

Represented By  
Daniel King

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11940 Marvin Allen Boyd, SR**

**Chapter 7**

**#13.00** Hearing re: Motion for relief from stay  
(Breckenridge Property Fund 2016, LLC VS Debtor)

Docket 7

**Tentative Ruling:**

Deny motion for stay relief under 11 U.S.C. 362(d)(1) and (2) and requests for extraordinary relief as moot because case has been dismissed. Appearances are optional on 3/25/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                      |        |
|----------------------|--------|
| Marvin Allen Boyd SR | Pro Se |
|----------------------|--------|

**Trustee(s):**

|                       |        |
|-----------------------|--------|
| David M Goodrich (TR) | Pro Se |
|-----------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#14.00** Status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a)

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 5/14/19 at 1:30 p.m.  
per stip & order entered on 3/19/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

Cindy S. Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

Adv#: 2:18-01105 Krasnoff, Chapter 7 Trustee v. Javaheri et al

**#15.00** Cont'd status conference re: Trustee's complaint: (1) to avoid and recover voidable transfer; and (2) for turnover fr. 6/19/18, 7/17/18, 8/21/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 1/8/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

Prior tentative ruling. Set a discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/26/19 at 1:30 p.m. with a joint status report due on 3/19/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 9/30/18 and complete mediation by 3/26/19. Appearances are required on 8/21/18, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of the status conference.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By

Edmond Nassirzadeh

**Defendant(s):**

Jilla Javaheri

Pro Se

Jilla Javaheri, Trustee of the Jilla H.

Pro Se

**Plaintiff(s):**

Brad D. Krasnoff, Chapter 7 Trustee

Represented By

Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Sion Javaheri**

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#16.00** Cont'd hearing re: Debtor's motion for an order disallowing proof of claim 8 purportedly filed on behalf of U.S. Bank, National Association  
fr. 12/5/18, 12/12/18

Docket 328

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#17.00** Cont'd hearing re: Motion to set aside default and default judgment  
fr. 12/11/18, 1/9/19, 2/12/19

Docket 20

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/11/19. No tentative ruling on the merits.  
Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 2/12/19 at 2:30  
p.m. by order filed and entered on 1/3/19. No appearances are required on  
1/9/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Represented By  
William Charles Tanenbaum

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#18.00** Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1  
fr. 12/11/18, 1/9/19, 2/12/19

Docket 15

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/11/19. No tentative ruling on the merits.  
Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. Continued on the court's own  
motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No  
appearances are required on 1/9/19.

Prior tentative ruling. Grant plaintiff's motion for default judgment for the  
reasons stated in the moving papers and for lack of timely written opposition.  
Appearances are required on 10/16/18

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#19.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 12/11/18, 1/9/19, 2/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/11/19. No tentative ruling on the merits.  
Appearances are required on 2/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. Continued on the court's own  
motion to 2/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No  
appearances are required on 1/9/19.

Prior tentative ruling as of 10/22/18. Off calendar. The court on its own  
motion continues the status conference to 11/27/18 at 2:30 p.m. to be  
conducted with the continued hearing on plaintiff's motion for default  
judgment and defendant's motion to set aside default. No appearances are  
required on 10/23/18.

Prior tentative ruling. Given the severity of the circumstances of turnover in  
the circumstances of this case, if plaintiff seeks judgment against defendants  
(meaning eviction of defendants from their residence which they had  
conveyed to plaintiff for it to perform certain services to save their home from  
foreclosure in exchange for rent payments and shared equity arrangements,  
which defendants allegedly defaulted), the court will order that plaintiff serve  
any dispositive motion on defendants by personal delivery. Appearances are  
required on 8/28/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11148 Jong J Kim**

**Chapter 7**

Adv#: 2:18-01134 Shon et al v. Kim et al

**#20.00** Cont'd status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(A) & (a)(6) and 11 U.S.C. §§727(a)(3)-(4), and declaratory relief fr. 7/10/18, 7/31/18, 9/18/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. The court has reviewed the stipulation of the parties regarding continuance of scheduled dates and hearings filed on 2/27/19 and based on that stipulation, set a new discovery cutoff date of 5/29/19 and a post-discovery status conference on 6/25/19 at 1:30 p.m. (status conferences are held on Tuesdays at 1:30 p.m.) with a joint status report due on 6/18/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 4/15/19 and complete mediation by 6/25/19. No appearances are required on 9/18/18. Plaintiffs to submit a proposed scheduling order within 7 days.

Prior tentative ruling as of 9/17/18. Set a discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/26/19 at 1:30 p.m. with a joint status report due on 3/19/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 10/31/18 and complete mediation by 3/26/19. Appearances are required on 9/18/18, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of the status conference.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 7/31/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status reports filed by the parties. The court continues the status conference to 7/31/18 at 2:30 p.m. to be conducted with the hearing on defendants' amended motion to dismiss. No appearances are required on 7/10/18.

Although the parties failed to file a timely joint status report as required by

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Jong J Kim**

**Chapter 7**

Local Bankruptcy Rule 7016-1 and the court's status conference order, the court will not require at this time for the parties to file an updated and amended joint status report in light of the pendency of defendants' motion to dismiss.

However, the court notes that plaintiff has a jury trial demand on the face of the complaint, which the court will strike because there is no right to a jury trial on debt dischargeability and discharge denial claims in the adversary proceeding. The court also notes that the parties' consent to this court's jurisdiction to enter a final judgment on these core claims is not needed.

**Party Information**

**Debtor(s):**

Jong J Kim

Represented By  
M Teri Lim

**Defendant(s):**

Jong Joo Kim

Pro Se

Sun Y Kim

Pro Se

**Joint Debtor(s):**

Sun Y Kim

Represented By  
M Teri Lim

**Plaintiff(s):**

Kevin Shon

Represented By  
Jason Shon

Sunny Shon

Represented By  
Jason Shon

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#21.00** Cont'd status conference re: Motion for order to show cause pursuant to Local Bankruptcy Rule 9020-1 why the debtor should not be held in contempt for violating a court order  
fr. 12/4/18, 1/29/19, 2/26/19

Docket 36

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 10/1/19 at 1:30 p.m.  
per stip & order entered on 3/25/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Continued by stipulation and order to 10/1/19 at 1:30 p.m. No appearances are required on 3/26/19.

Prior tentative ruling as of 2/26/19. Off calendar. Continued by stipulation and order to 3/26/19 at 1:30 p.m. No appearances are required on 2/26/19.

Prior tentative ruling as of 1/29/19. Off calendar. Continued by stipulation and order to 2/26/19 at 1:30 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 12/3/18. Off calendar. Continued by stipulation and order to 1/29/19 at 1:30 p.m. No appearances are required on 12/4/18.

Prior tentative ruling as of 10/22/18. Off calendar. Continued by stipulation and order to 12/4/18 at 1:30 p.m. No appearances are required on 10/23/18.

Prior tentative ruling as of 10/1/18. Appearances are required on 10/2/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01011 Miller v. Agopian

**#22.00** Status conference re: Complaint (1) avoidance and recovery of fraudulent transfer; (2) for declaratory relief; (3) turnover of property; and (4) sale of interest of co-owner in property of the estate

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 5/28/19 at 1:30 p.m.  
per stip & order entered on 2/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/28/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01012 Miller v. Agopian et al

**#23.00** Status conference re: Complaint (1) for declaratory relief; (2) turnover of property; and (3) sale of interest of co-owner in property of the estate

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 5/28/19 at 1:30 p.m.  
per stip & order entered on 2/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/28/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

Armen Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18266 Cynthia Diane Seten**

**Chapter 7**

**#24.00** Cont'd further order to show cause re: dismissal for failure to comply with Rule 1006(b)  
fr. 10/23/18, 1/8/19, 2/5/19

Docket 31

**\*\*\* VACATED \*\*\* REASON: Per order entered on 2/11/9-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Hearing vacated by order entered on 2/11/19. No appearances are necessary.

Prior tentative ruling as of 2/4/19. Appearances are required on 2/5/19.

Prior tentative ruling as of 1/7/19. Appearances are required on 1/8/19.

No tentative ruling as of 10/22/18. Appearances are required on 10/23/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Cynthia Diane Seten

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-20957 Raza Kazmi**

**Chapter 7**

Adv#: 2:18-01331 USC Credit Union v. Kazmi et al

**#25.00** Cont'd status conference re : Complaint for determination of non-dischargeability of debt  
(11 U.S.C. §523(a)(8))  
fr. 1/8/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Default Judgment entered on 3/20/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Plaintiff's motion for default judgment has been granted, and default judgment was entered on 3/20/19. No appearances are necessary.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report noting that default has been entered against defendants. The court on its own motion continues the status conference to 3/26/19 at 1:30 p.m. to allow time for plaintiff to file a motion for default judgment. No appearances are required on 1/8/19.

**Party Information**

**Debtor(s):**

Raza Kazmi

Represented By  
Richard T Baum

**Defendant(s):**

Raza Kazmi

Pro Se

Maha Rehman

Pro Se

**Joint Debtor(s):**

Maha Rehman

Represented By  
Richard T Baum

**Plaintiff(s):**

USC Credit Union

Represented By  
Bruce P. Needleman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Raza Kazmi**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#26.00** Status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 5/14/19 at 2:30 p.m.  
per stip & order entered on 3/19/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/14/19 at 2:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Pro Se

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#27.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 1/15/19, 1/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/26/19 to 4/16/19 at 1:30 p.m.  
per stip & order entered on 2/5/19-pj.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/16/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-24500 Eric Ojiyi**

**Chapter 7**

**#28.00** Hearing re: Sanctions against attorney Belcher

Docket 19

**\*\*\* VACATED \*\*\* REASON: Off calendar per order entered on 3/22/19-  
mb.**

**Tentative Ruling:**

Off calendar. Order vacating hearing entered on 3/22/19. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Eric Ojiyi

Represented By  
Brad Weil

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10519 Edwin Wellington Terry**

**Chapter 7**

**#29.00** Cont'd status conference re: Involuntary petition  
fr. 2/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case transferred to Judge Robles per order  
entered on 2/28/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Case transferred to Judge Robles by order entered on 2/28/19. No appearances are required on 3/26/19.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Edwin Wellington Terry

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-13210 Roberto Aguilar Gomez**

**Chapter 7**

**#30.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David Goodrich, Chapter 7 Trustee]

Docket 34

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 3/26/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

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| Roberto Aguilar Gomez | Pro Se |
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**Trustee(s):**

|                       |        |
|-----------------------|--------|
| David M Goodrich (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15007 Eugen Valentin Dietl**

**Chapter 7**

**#31.00** Hearing re: Chapter 7 trustee's motion for an order disallowing claim no. 9-2 filed by Ronald E. Ostrin, Esq.

Docket 326

**\*\*\* VACATED \*\*\* REASON: Stipulation and order to withdraw claim entered on 3/1/19-mb.**

**Tentative Ruling:**

Off calendar. Claim withdrawn by stipulation and order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Eugen Valentin Dietl

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Aram Ordubegian

Annie Y Stoops

M Douglas Flahaut

Christopher K.S. Wong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15007 Eugen Valentin Dietl**

**Chapter 7**

**#32.00** Hearing re: Chapter 7 trustee's motion for an order disallowing claim no. 14-1 filed by Maria Elizabeth Dietl

Docket 328

**\*\*\* VACATED \*\*\* REASON: Stipulation and order to withdraw claim entered on 3/7/19-mb.**

**Tentative Ruling:**

Off calendar. Claim withdrawn by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Eugen Valentin Dietl

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Aram Ordubegian

Annie Y Stoops

M Douglas Flahaut

Christopher K.S. Wong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-19557 Alfonso Spindola Valdovinos**

**Chapter 7**

Adv#: 2:18-01032 Sarafin v. Valdovinos et al

**#33.00** Hearing re: Motion for order dismissing complaint for nondischargeability of debt pursuant to 11 U.S.C. §523 and objecting of debtor's discharge pursuant to 11 U.S.C. § 727

Docket 33

**Tentative Ruling:**

Grant plaintiff's motion to dismiss adversary complaint for the reasons stated in the moving papers and for lack of timely written objection. Appearances are optional on 3/26/19, but counsel may appear by telephone. Plaintiff to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Alfonso Spindola Valdovinos

Represented By  
William Radcliffe

**Defendant(s):**

Alfonso Spindola Valdovinos

Represented By  
Baruch C Cohen

Isabel Valdovinos

Represented By  
Baruch C Cohen

DOES 1 through 100, inclusive

Pro Se

**Joint Debtor(s):**

Isabel Valdovinos

Represented By  
William Radcliffe

**Plaintiff(s):**

Dory Sarafin

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, March 26, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Alfonso Spindola Valdovinos**

Robert P Goe

**Chapter 7**

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#34.00** Cont'd hearing re: Motion to dismiss adversary proceeding complaint under Federal Rule of Civil Procedure 12(b)(6)  
fr. 3/5/19

Docket 15

**Tentative Ruling:**

No tentative ruling as of 3/25/19. Appearances are required on 3/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Movant(s):**

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#35.00** Cont'd hearing re: Motion to strike portions of complaint pursuant to rule 12(f) of the Federal Rules of Civil Procedure  
fr. 3/5/19

Docket 17

**Tentative Ruling:**

Deny defendants' motion to strike portions of the complaint for the reasons stated in plaintiff's opposition. Appearances are required on 3/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Movant(s):**

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**  
C John M Melissinos

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#36.00** Cont'd status conference re: Plaintiff's complaint for substantive consolidation of Prototype Engineering & Manufacturing, Inc., Bahram Bordbar, individually, and as trustee of the Bordbar Family Trust, and Malahat Bordbar, individually, and as trustee of the Bordbar Family Trust  
fr. 1/29/19, 3/5/19

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. A further status conference will have to be set since the pleadings of the case are not yet at issue. Appearances are required on 3/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Pro Se

Malahat Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-25642 Rebecca Gutierrez-Lewis**

**Chapter 7**

**#37.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Timothy J. Yoo, Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 3/26/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Rebecca Gutierrez-Lewis

Represented By  
Michael F Chekian

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Jeffrey L Sumpter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-25642 Rebecca Gutierrez-Lewis**

**Chapter 7**

**#38.00** Hearing re: Application for fees and expenses  
[Levene, Neale, Bender, Yoo & Brill, LLP, Attorney for Chapter 7 Trustee]

Docket 46

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 3/26/19, but trustee and counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Rebecca Gutierrez-Lewis

Represented By  
Michael F Chekian

**Movant(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Jeffrey L Sumpter

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Jeffrey L Sumpter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#39.00** Hearing re: Motion to dismiss complaint to determine non-dischargeability

Docket 7

**\*\*\* VACATED \*\*\* REASON: Off calendar per stip & order entered on  
3/19/19-mb.**

**Tentative Ruling:**

Off calendar. Motion taken off calendar by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Represented By  
Terran T Steinhart

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, March 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-24500 Eric Ojiyi**

**Chapter 7**

**#40.00** Hearing re: Motion to dismiss bankruptcy

Docket 23

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 3/5/19-mb.**

**Tentative Ruling:**

Off calendar. Motion denied by written order entered on 3/5/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Eric Ojiyi

Represented By  
Brad Weil

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
Alan I Nahmias

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15626 Forbco Sizzler Partners, L.P.**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. 2/14/18, 8/29/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/12/18. No tentative ruling on the merits. Appearances are required on 2/14/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Forbco Sizzler Partners, L.P.

Represented By  
Robert E Opera  
Sean A OKeefe



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-17906 Stassen Conrad Goins**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 5/2/18, 7/11/18, 11/14/18

Docket 94

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 11/14/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Stassen Conrad Goins

Represented By  
Brad Weil

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15233 Kristine Lynn Heicke**

**Chapter 11**

**#3.00** Cont'd hearing re: Debtor's motion for entry of discharge and final decree in chapter 11 case pursuant to 11 U.S.C. §1141(d)(5) upon completion of payments to unsecured creditors  
fr. 3/6/19

Docket 149

**Tentative Ruling:**

No updated tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling. In her declaration in support of the motion, debtor states that she completed her payments to general unsecured creditors and is current on her payments to secured creditors. However, the court cannot confirm the accuracy of these assertions and requires that debtor submit a supplemental declaration with a chart showing all plan payments made, indicating what and when they were due and when they were made, so the court can confirm that the case is ready for discharge based on assurance of completion of payments. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Kristine Lynn Heicke

Represented By  
Daniel King  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15233 Kristine Lynn Heicke**

**Chapter 11**

**#4.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. TD, 1/31/18, 2/28/18, 11/28/18

Docket 51

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/31/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No tentative ruling as of 5/26/17. Appearances are required on 5/31/17.

Prior tentative ruling. Because the only votes on the plan were received after the deadline set by the court's balloting deadline of 3/22/17 in the court's order filed and entered on 2/15/17, none of the votes may be counted under the order and FRBP 3017(c) and 3018(a). Because none of the votes cast were timely in order to be counted under the court's deadline order, debtor has not shown that there is at least one impaired class of claims accepting the plan as required for confirmation under 11 U.S.C. 1129(a)(10), so the plan may not be confirmed. Thus, the court is inclined to deny confirmation, but the court would consider a request by debtor to seek relief by motion under

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Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, March 27, 2019**

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11:00 AM

**CONT... Kristine Lynn Heicke Chapter 11**

FRBP 9006(b)(1) to enlarge the time to cast votes as to the late cast votes based on a sufficient showing of "excusable neglect". See In re Paul, 101 B.R. 228 (Bankr. S.D. Cal. 1989). Appearances are required on 5/3/17.

**Party Information**

**Debtor(s):**

Kristine Lynn Heicke

Represented By  
Daniel King  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#5.00** Cont'd hearing re: Motion for approval of the sufficiency of debtor's chapter 11 disclosure statement describing debtor's plan of reorganization  
fr. 11/7/18, 12/19/18, 2/27/19

Docket 68

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Grant debtor's motion to approve first amended disclosure statement as containing adequate information for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 3/27/19 to discuss scheduling plan confirmation proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the hearing on the disclosure statement to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1)

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11:00 AM

**CONT... Dalton Evonne Grant**

**Chapter 11**

plan is patently unconfirmable because it modifies loan secured by lien on debtor's principal residence in violation of 11 U.S.C. 1125(b) (plan modifies contractual interest rate on first and second secured home loans) and it does not propose a cure of outstanding arrearages on home mortgages in accordance with 11 U.S.C. 1124(2)(10 year payment of arrearages is discriminatory compared with 5 year payment of general unsecured claims); (2) disclosure statement lacks adequate information regarding plan feasibility since no financial history or financial projections are provided. Appearances are required on 4/25/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dalton Evonne Grant

Represented By  
David I Brownstein

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/19/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed debtor's status report requesting a continuance of about 30 day to complete settlement discussions with the secured lender. No tentative ruling on the merits. Appearances are required on 11/7/18 so that other parties, including United States Trustee, may be heard on status, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Dalton Evonne Grant**

**Chapter 11**

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/5/17. The court has reviewed debtor's status report filed on 12/4/17. No tentative ruling on the merits. Appearances are required on 12/6/17, but counsel may appear by telephone.

Updated tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dalton Evonne Grant

Represented By  
Joshua L Sternberg



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/24/18, 11/28/18, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Revised tentative ruling as of 10/23/18. Off calendar. Continued by  
stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required  
on 10/24/18.

Prior tentative ruling as of 6/25/18. Off calendar. Continued by stipulation  
and order to 8/8/18 at 11:00 a.m. No appearances are required on 6/27/18.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/22/18. No tentative ruling on the merits.  
Appearances are required on 1/24/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/23/17. No tentative ruling on the merits.  
Appearances are required on 10/25/17, but counsel may appear by  
telephone.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits.  
Appearances are required on 8/30/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shapphire Resources, LLC**

**Chapter 11**

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#8.00** Cont'd status conference re: Post confirmation of plan  
fr. 4/25/18, 7/11/18, 11/28/18

Docket 62

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling. The disclosure statement does not contain adequate information. Regarding treatment of secured claims, the text in the plan refers to Article II, but no Article II is attached. Exhibit C to the plan refers to certain notes for each claim, but these notes do not adequately spell out the treatment of the primary secured claim to Wells Fargo Bank, the senior secured lender for the loan on debtor's residence. The disclosure statement should have a more detailed description of how this claim will be treated under the plan. The plan itself is not much better. It is hard to tell what is being proposed for treatment of the claim. The disclosure statement and plan will have to be revised for sake of clarity. If this is a cramdown situation, it does not appear that a 40 year payout is fair and equitable for this creditor, and debtor should probably consider taking out this creditor when the loan matures under the existing terms. Appearances are required on 3/21/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

**Party Information**

**Debtor(s):**

Peter G. Kudrave

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, March 27, 2019

Hearing Room 1675

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#9.00** Cont'd hearing re: Motion to extend exclusivity periods to file and solicit a plan of reorganization fr. 3/13/19

Docket 132

**\*\*\* VACATED \*\*\* REASON: Resolved by stip & order entered on 3/25/19 -mb.**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Motion resolved by stipulation and order. No appearances are required on 3/27/19.

Revised tentative ruling as of 3/12/19. Off calendar. Continued by stipulation and order to 3/27/19 at 11:00 a.m. No appearances are required on 3/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Fox Property Holdings, LLC

Represented By

Timothy J Yoo

Juliet Y Oh

Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/16/19, 3/6/19, 3/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 3/27/19 to 6/12/19 at 11:00 a.m.  
per stip & order entered on 3/25/19-mb**

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. Off calendar. Continued by stipulation and order to 6/12/19 at 11:00 a.m. No appearances are required on 3/27/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Fox Property Holdings, LLC**

**Chapter 11**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#11.00** Hearing re: Disclosure statement

Docket 77

**Tentative Ruling:**

Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#12.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/28/18, 12/12/18, 3/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Nina Mosby**

**Chapter 11**

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/23/18, 8/29/18, 11/28/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits.  
Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
proposed claims bar date of 7/13/18 and proposed date for filing a disclosure  
statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18,  
but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, March 27, 2019

Hearing Room 1675

11:00 AM

2:18-17263 8800 LLC

Chapter 11

#14.00 Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 152

**Tentative Ruling:**

Grant motion of United States Trustee to dismiss, convert or appoint trustee for the reasons stated in the moving papers and for lack of timely written opposition because since debtor is not longer actively operating its business, there is no likelihood of a successful reorganization and there will be only continuation of diminution of the bankruptcy estate. The case should be dismissed as in the best interests of creditors and the bankruptcy estate because there is no value for creditors to realize in a Chapter 7 liquidation case or a case administered by a Chapter 11 trustee since the debtor was an operating business with leased premises and encumbered equipment and inventory, but can no longer operate because it lost its lease and its operating equipment and inventory has been recovered by its secured creditors. Appearances are required on 3/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17263 8800 LLC**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/16/19, 1/30/19, 3/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. No tentative ruling on the merits.  
Appearances are required on 10/25/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits.  
Appearances are required on 9/12/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 8/22/18, but  
counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... 8800 LLC**

**Chapter 11**

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#16.00** Hearing re: Motion by debtor for entry of order dismissing chapter 11 bankruptcy case

Docket 101

**Tentative Ruling:**

No tentative ruling as of 3/25/19. The court notes that the lone opposition by creditor I Q Textile Industries, Inc., through its chief executive officer, Zia Abhari, is improper because a corporation must appear through counsel and may not appear in this court pro se as provided in Local Bankruptcy Rule 9011-2. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#17.00** Hearing re: Motion to extend the debtor's exclusivity period

Docket 99

**Tentative Ruling:**

Deny debtor's motion to extend plan exclusivity for the reasons stated in the opposition filed by creditor Pacoima Development Federal Credit Union. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#18.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/5/18, 12/12/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President  
Trump's announcement of a National Day of Mourning for former President  
George H.W. Bush on Wednesday December 5, 2018, the court is continuing  
the hearings on Judge Kwan's hearing calendar that day in observance of the  
National Day of Mourning for former President Bush. The hearing on this  
matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No  
appearances are required on 12/5/18.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 12/5/18, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, March 27, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#19.00** Hearing re: Motion to dismiss adversary proceeding due to unclean hands

Docket 56

**Tentative Ruling:**

No tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, March 27, 2019

Hearing Room 1675

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#20.00** Cont'd hearing re: Motion for partial summary judgment on the fourth cause of action  
fr. 1/8/19, 3/12/19

Docket 35

**Tentative Ruling:**

Updated tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Continued on the court's own motion to 3/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(Bank of America, N.A. VS Debtor)

Docket 402

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. Contrary to debtor's assertions, it appears that movant has standing as the original lender as the beneficiary of the note and trust deed and the sworn representation of the declarant that movant holds the original note. However, the moving papers contain an inconsistent statement that movant is only the servicer. Movant should explain this apparent inconsistency.

Movant has shown one element of a claim under 11 U.S.C. 362(d)(4) that the original borrower made an unconsented to transfer of the real property. However, movant's evidence of multiple bankruptcy filings is insufficient since the moving papers do not show how the multiple filings of debtor's managing members affect the subject real property since there was only one unconsented to transfer to debtor, and not to the managing member or other parties.

Movant has not made a prima facie showing that the filing of the debtor's petition is part of a scheme to hinder, delay or defraud since there is no loan balance information in the moving papers. Normally, a secured creditor shows that there is a scheme to hinder, delay or defraud its collection efforts by showing loan arrearages which are not shown here, which would support a finding of hindering, delay or defraud. Movant has not otherwise shown that the case was filed in bad faith with admissible evidence.

Deny without prejudice, or allow movant to amend by submitting evidence that the loan is not being paid and that the automatic stay from the debtor's case based on the unconsented to transfer hinders, delays or defrauds it in its efforts to collect the loan.

Appearances are required on 4/2/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#1.10** Cont'd hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB VS Debtor)  
fr. 3/26/19

Docket 398

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. Movant has shown one element of a claim under 11 U.S.C. 362(d)(4) that the original borrower made an unconsented to transfer of the real property. Movant has not made a prima facie showing of the second element of a claim under 11 U.S.C. 362(d)(4) that the filing of the debtor's petition is part of a scheme to hinder, delay or defraud since there is no loan balance information in the moving papers. Normally, a secured creditor shows that there is a scheme to hinder, delay or defraud its collection efforts by showing loan arrearages which are not shown here, which would support a finding of hindering, delay or defraud. Movant has not otherwise shown that the case was filed in bad faith with admissible evidence, and the "smell" test is not a substitute for admissible evidence in this court. The moving papers contain numerous typographical or spelling errors, and counsel for movant is admonished to proofread work before submission to the court.

Movant failed to serve the original borrower with the moving papers, which the court requires where the claim is for relief under 11 U.S.C. 362(d)(4) as a matter of procedural due process. In re Dorsey, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Deny without prejudice, or allow movant to amend by submitting evidence that the loan is not being paid and that the automatic stay from the debtor's case based on the unconsented to transfer hinders, delays or defrauds it in its efforts to collect the loan.

Deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-15022 Diana Christina Peraza**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Real Value Properties, LLC VS Debtor)

Docket 49

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19 at 3:00 p.m. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1), (2) and (4) to pursue non-bankruptcy remedies, including in rem relief, for the reasons stated in the moving papers and for lack of timely written opposition. Deny request for extraordinary relief in paragraphs 8, 10 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. No tentative ruling because movant failed to tab the separate exhibits to the moving papers on the judge's copy of these papers as required by LBR 5005-2(d). Appearances are required on 4/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Diana Christina Peraza

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Diana Christina Peraza**

Carmela Pagay

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 1/8/19, 2/5/19

Docket 96

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No updated tentative ruling on the merits. Appearances are required on 4/2/19, but counsel may appear by telephone,

Prior tentative ruling as of 2/4/19. No updated tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone,

Prior tentative ruling. Service of the motion is deficient since there is no proof of service on the 20 largest unsecured creditors as required by FRBP 4001(a) (1) and 1007(d). The motion appears to be a contested matter under FRBP 9014 with respect to the purpose of stay relief to allow the civil contempt proceeding to go forward in state court whether for the purpose of collecting on the judgment and vindicating private rights or for the purpose of effectuating public policy to deter "unprofessional conduct." In re Dingley, 852 F.3d 1143, 1146-1147 (9th Cir. 2017); see also, Kukui Gardens Corp. v. Holco Capital Group, Inc., 675 F.Supp.2d 1016, 1025-1029 (D. Haw. 2009). Most likely, the court will have to set an evidentiary hearing after proper notice is given to creditors. Appearances are required on 1/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#3.10** Cont'd hearing re: Motion for relief from stay  
(Financial Services Vehicle Trust VS Debtor)  
fr. 3/26/19

Docket 131

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19 at 3:30 p.m. Off calendar. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

Prior tentative ruling as of 3/25/19 at 1:00 p.m. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

---

10:30 AM

**CONT... Ben B. Safyari**

**Chapter 11**

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24600 Jesus Sequeira**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Bayview Loan Servicing VS Debtor)

Docket 11

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/2/19 to 4/30/19 at 10:30 a.m.  
per stip & order entered on 3/29/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 4/30/19 at 10:30 a.m. No appearances are required on 4/2/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Jesus Sequeira

Represented By  
Daniel King

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10438 David Beverly Construction Inc.**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Daimler Trust VS Debtor)

Docket 20

**Tentative Ruling:**

Deny motion for stay relief under 11 U.S.C. 362(d)(1) and (2) and requests for extraordinary relief as moot because case has been dismissed. Appearances are optional on 4/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Beverly Construction Inc. Pro Se

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#6.00** Hearing re: Motion for relief from stay  
(Michael Cassell VS Debtors)

Docket 39

**Tentative Ruling:**

Sustain movant's objection to declaration of Roslyn Soudry. Overrule debtors' motion to strike declaration of Ami Meyers, and over debtors' objections to the declaration because declarant is simply submitting copies of pleadings in related state court action. Grant motion for relief from stay under 11 U.S.C. 362(d)(1) to allow litigation in nonbankruptcy forum to proceed to judgment, but no enforcement of any judgment without further leave of court, based on permissive abstention factors set forth in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9th Cir. 1990) as stated in movant's reply to debtors' opposition. The court makes no finding as to whether the case was filed in bad faith. Deny request for extraordinary relief that stay relief order is binding and effective in any bankruptcy case commenced by Debtor for 180 days as not warranted. *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Deny request for waiver of 14 day stay of enforcement under FRBP 4001(a)(3) in event that debtors may take an appeal of stay relief order. Appearances are required on 4/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11098 Nenad Nick Drobnjakovic**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. dba Chrysler Capital VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Nenad Nick Drobnjakovic

Represented By  
Navid Kohan

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11472 Karetta Anderson**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Karetta Anderson

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11392 Jungsik Lee**

**Chapter 7**

**#8.10** Cont'd hearing re: Motion for relief from stay  
(9980 Grindlay Partners VS Debtor)  
fr. 3/26/19

Docket 7

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. The moving papers fail to show that the automatic stay from debtor's bankruptcy case affects movant because there is no evidence showing any connection between debtor and the subject property. The moving papers tell the court that debtor claims a right of possession, but do not show it. Appearances are required on 3/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Jungsik Lee

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Jungsik Lee**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01144 Alde Financial Group, LLC v. Martinez

**#9.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §523(a)(2)(A)]  
fr. 9/4/18, 11/13/18, 2/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment entered per stip & order entered  
on 2/14/19-mb.**

**Tentative Ruling:**

Off calendar. Judgment entered pursuant to stipulation and order entered on  
2/14/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Alde Financial Group, LLC

Represented By  
Timothy J Silverman

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01146 Karen Baird v. Martinez

**#10.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §523(a)(2)(A)]  
fr. 7/10/18, 9/4/18, 11/13/18, 2/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment entered on 2/14/19; Adv.  
proceeding closed on 3/22/19-mb.**

**Tentative Ruling:**

Off calendar. Judgment entered pursuant to stipulation and order entered on 2/14/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Karen Baird

Represented By  
Timothy J Silverman

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01149 Van v. Martinez

**#11.00** Cont'd pretrial conference re: Complaint for denial of discharge of debt  
fr. 7/10/18, 9/4/18, 11/13/18, 2/5/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the status reports filed by the parties. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Sandy Van

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-26326 Randolph Carl Scales**

**Chapter 7**

Adv#: 2:17-01192 Diamond, Chapter 7 Trustee, Plaintiff v. Scales

**#12.00** Cont'd status conference re: Trustee's complaint: (1) to avoid and recover fraudulent transfer; and (2) for turnover fr. 5/22/18, 7/31/18, 10/2/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip& order entered on 11/21/18; Adv. proceeding closed on 11/29/18-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order entered on 11/21/18. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Randolph Carl Scales

Represented By  
Daniel King

**Defendant(s):**

Michelle Renee Scales

Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7

Represented By  
Sonia Singh

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Zev Shechtman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

Adv#: 2:19-01032 Tilem v. Kudrave

**#13.00** Status conference re: Complaint to vacate order of confirmation as having been procured through fraud (11 U.S.C. §1144)

Docket 1

**Tentative Ruling:**

No tentative ruling as of 4/1/19. The parties attended mediation and placed a settlement agreement on the record on 3/21/19, and documentation of the settlement is pending. Appearances are optional on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
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**Defendant(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
|------------------|--------|

**Plaintiff(s):**

|               |                                 |
|---------------|---------------------------------|
| David A Tilem | Represented By<br>David A Tilem |
|---------------|---------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17263 8800 LLC**

**Chapter 11**

Adv#: 2:19-01029 8800 LLC v. TMC Realty, L.L.C.

**#14.00** Status conference re: Complaint for: (1) avoidance and recovery of value of the transfer [11 U.S.C. §§548(a)(1)(B), 550(a), & 551]; and (2) disallowance of any claims held by defendant [11 U.S.C. § 502(d)]

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/2/19 to 5/28/19 at 1:30 p.m.  
per stip & order entered on 3/19/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/28/19 at 1:30 p.m. No appearances are required on 4/2/19.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**Defendant(s):**

TMC Realty, L.L.C.

Pro Se

**Plaintiff(s):**

8800 LLC

Represented By  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#15.00** Cont'd status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727] fr. 3/5/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 4/1/19. Plaintiff filed a notice of motion on 3/23/19 for his motion for default judgment filed on 3/19/19 which purportedly notices the motion for hearing on 4/2/19 at 2:30 p.m. The notice of motion is not proper under LBR 9013-1(d) which requires 21 days notice of hearing, and the 14-day notice period for notice and opportunity to request hearing pursuant to LBR 9013-1(o) has not passed yet. Moreover, plaintiff has failed to serve a judge's copy of the moving papers on the presiding judge as required by LBR 5005-2(d). The court will not consider the motion for default judgment because it is defectively noticed and a judge's copy of the moving papers is properly served. The court will likely continue the status conference to a date after the motion for default judgment is properly noticed or plaintiff requests granting of the motion based on the lack of timely opposition to the motion and request for hearing. Appearances are required on 4/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Pro Se

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

---

1:30 PM

**CONT... Alan Eugene Salke**

**Chapter 7**

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22604 Catalina Rangel**

**Chapter 7**

Adv#: 2:19-01027 Paul-Goff v. Rangel

**#16.00** Status conference re: Object/revocation of discharge; dischargeability - false pretense/representation; dischargeability - willful and malicious injury

Docket 1

**Tentative Ruling:**

No tentative ruling as of 4/1/19. Appearances are required on 4/2/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catalina Rangel

Represented By  
Rabin J Pournazarian

**Defendant(s):**

Catalina Rangel

Pro Se

**Plaintiff(s):**

Sameria E. Paul-Goff

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#16.10** Hearing re: Application to Employ LorchGreene, LLP, Patrick Greene, as Forensic Accountant

Docket 668

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-16256 Fred Earl Boecking**

**Chapter 7**

**#17.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jason M. Rund, Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/2/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Fred Earl Boecking

Represented By  
Roland H Kedikian

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-16256 Fred Earl Boecking**

**Chapter 7**

**#18.00** Hearing re: Application for fees and expenses  
[Hahn Fife & Company LLP, Accountant for Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Off calendar. By order entered on 10/12/18, the court authorized employment and payment of fees of accountant for trustee. The court will consider approval of these fees on a final basis as part of its consideration of the trustee's final report set for hearing on 4/2/19. No appearances are required on 4/2/19.

**Party Information**

**Debtor(s):**

Fred Earl Boecking

Represented By  
Roland H Kedikian

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-13057 Anna J Bowes**

**Chapter 7**

**#19.00** Cont'd hearing re: Motion for turnover of residence and the issuance of a writ of possession  
fr. 2/26/19

Docket 51

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling in light of defendant's opposition filed on 3/19/19 and plaintiff's unilateral status report filed on 3/31/19. Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling. Grant trustee's motion for turnover and issuance of writ of possession for the reasons stated in the moving papers and for the lack of timely written opposition. Appearances are required on 2/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Anna J Bowes

Represented By  
Roxanne Bonar

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#20.00** Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 21

**Tentative Ruling:**

No tentative ruling as of 4/1/19. The court notes that defendants have filed a motion to set aside default on 3/19/19, which is noticed for hearing on 4/30/19 at 2:30 p.m. Appearances are required on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

**Defendant(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
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| Luddivina Bowes | Pro Se |
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**Joint Debtor(s):**

|                 |        |
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| Luddivina Bowes | Pro Se |
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**Plaintiff(s):**

|                       |  |
|-----------------------|--|
| Camel Financial, Inc. | Represented By<br>Darren B. Landie<br>Jerome S Demaree |
|-----------------------|--|

**Trustee(s):**

|                      |        |
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| John J Menchaca (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#1.00** Hearing re: Motion in individual chapter 11 case for order authorizing use of cash collateral [11 U.S.C. §363]

Docket 34

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 3/29/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by notice filed on 3/29/19. No appearances are required on 4/3/19.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#2.00** Hearing re: Motion in individual chapter 11 case for order authorizing debtor in possession to employ general bankruptcy counsel

Docket 26

**Tentative Ruling:**

Off calendar. The application will be denied as moot because a substitution of counsel was filed on 3/27/19 substituting new counsel for applicant as proposed general bankruptcy counsel for debtor in possession. No appearances are required on 4/3/19.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 2/27/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15233 Kristine Lynn Heicke**

**Chapter 11**

**#3.10** Cont'd hearing re: Debtor's motion for entry of discharge and final decree in chapter 11 case pursuant to 11 U.S.C. §1141(d)(5) upon completion of payments to unsecured creditors  
fr. 3/6/19, 3/27/19

Docket 149

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. Grant debtor's motion for entry of discharge and final decree for the reasons stated in the moving papers as supplemented and for the lack of timely written opposition. Appearances are optional on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling. In her declaration in support of the motion, debtor states that she completed her payments to general unsecured creditors and is current on her payments to secured creditors. However, the court cannot confirm the accuracy of these assertions and requires that debtor submit a supplemental declaration with a chart showing all plan payments made, indicating what and when they were due and when they were made, so the court can confirm that the case is ready for discharge based on assurance of completion of payments. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Kristine Lynn Heicke

Represented By  
Daniel King  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15233 Kristine Lynn Heicke**

**Chapter 11**

**#3.20** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. TD, 2/28/18, 11/28/18, 3/27/19

Docket 51

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 2/26/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
1/31/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but  
counsel may appear by telephone.

No tentative ruling as of 5/26/17. Appearances are required on 5/31/17.

Prior tentative ruling. Because the only votes on the plan were received after  
the deadline set by the court's balloting deadline of 3/22/17 in the court's  
order filed and entered on 2/15/17, none of the votes may be counted under  
the order and FRBP 3017(c) and 3018(a). Because none of the votes cast  
were timely in order to be counted under the court's deadline order, debtor  
has not shown that there is at least one impaired class of claims accepting

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Kristine Lynn Heicke Chapter 11**

the plan as required for confirmation under 11 U.S.C. 1129(a)(10), so the plan may not be confirmed. Thus, the court is inclined to deny confirmation, but the court would consider a request by debtor to seek relief by motion under FRBP 9006(b)(1) to enlarge the time to cast votes as to the late cast votes based on a sufficient showing of "excusable neglect". See *In re Paul*, 101 B.R. 228 (Bankr. S.D. Cal. 1989). Appearances are required on 5/3/17.

**Party Information**

**Debtor(s):**

Kristine Lynn Heicke

Represented By  
Daniel King  
Kevin Tang



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

11:30 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for further extension of exclusivity periods to file a disclosure statement and plan, and seek acceptances of plan of reorganization  
fr. 3/6/19

Docket 235

**\*\*\* VACATED \*\*\* REASON: Per hearing held on 3/27/19, Motion  
rescheduled from 11:30 a.m. to 2:30 p.m. - pp**

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. The matter will be heard on the 2:30 p.m. calendar rather than the 11:30 a.m. calendar based on the request of counsel for debtor at a hearing on 3/27/19 due to a scheduling conflict. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#5.00** Cont'd hearing re: Application for compensation first interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP, for the period of May 1, 2018 through and including December 31, 2018 for Ashley M McDow, debtor's attorney  
fr. 1/30/19, 3/6/19

Docket 141

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 3/6/19 at 11:00 a.m. by prior order. No appearances are required on 1/30/19.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 2/19/19, 3/13/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**      **Art and Architecture Books of the 21st Century and 400 S.**      **Chapter 11**  
and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/29/18, 11/28/18, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits.  
Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
proposed claims bar date of 7/13/18 and proposed date for filing a disclosure  
statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18,  
but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for further extension of exclusivity periods to file a disclosure statement and plan, and seek acceptances of plan of reorganization fr. 3/6/19

Docket 235

**Tentative Ruling:**

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, April 5, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-10170 Min Jeong Min**

**Chapter 7**

Adv#: 2:18-01086 Kosma Tex v. Min

**#1.00** TRIAL RE: Complaint objecting to dischargeability of debt and to determine debt to be nondischargeable under 11 U.S.C. §523(a)(2)(A) fr. 8/21/18, 9/11/18, 1/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/4/19. No tentative ruling will be issued for trial. Appearances are required on 4/5/19.

Revised tentative ruling as of 1/28/19. The court has reviewed the joint pretrial stipulation, and since it appears that there are no objections to plaintiff's exhibits listed on the joint pretrial stipulation, the court will receive plaintiff's exhibits 1 through 32 into evidence, and since only one witness has been identified in the joint pretrial stipulation, only one witness will be allowed to testify. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Otherwise, no tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. No tentative ruling on the merits. Appearances are required on 9/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court has reviewed the joint status report of the parties, which stated that the parties have not conducted their conference under Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. The court continues the status conference on its own motion to 9/11/18 at 1:30 p.m. and order that the parties have their Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1 conference before the continued status conference on 9/11/18. The parties need not file an updated status report for the continued status conference. No appearances are required on 8/21/18.

Prior tentative ruling. Since default has been entered against defendant,

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Friday, April 5, 2019

Hearing Room 1675

9:00 AM

CONT... **Min Jeong Min**

Chapter 7

defendant will have to file a motion to set aside default unless plaintiff is willing to stipulate to set aside the default and allow defendant's answer to be considered filed. The parties should be prepared to address the issue of whether the default should be set aside. The court is not inclined to set a litigation schedule until the issue of the setting aside the default is resolved. Appearances are required on 6/5/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Min Jeong Min

Represented By  
Young K Chang

**Defendant(s):**

Min Jeong Min

Pro Se

**Plaintiff(s):**

Kosma Tex

Represented By  
Vahe Khojayan

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, April 8, 2019**

**Hearing Room 1675**

1:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Hearing re: The sale of the assets to one or more buyer(s)  
fr. 3/5/19

Docket 209

**Tentative Ruling:**

Updated tentative ruling as of 4/5/19. Off calendar. The hearing is continued to 4/30/19 at 2:30 p.m. by stipulation and order entered on 3/14/19. No appearances are required on 4/8/19.

Prior tentative ruling. The supporting declaration of Marvin Scheidt in the motion lacks a date of execution as required by 28 U.S.C. 1746(2) and needs to be corrected with an amended declaration filed and placed on the docket.

No tentative ruling on the appropriate minimum bid increments for the auction sale since it depends on proportionality, and the interests of the efficiency of the auction and the effectiveness of the auction in realizing value for the estate, and there is no information regarding proposed minimum bids for the properties in order for the court to meaningfully assess the proposed bid increments of \$5,000 from the committee and \$25,000 from the debtor.

The debtor agrees to the request of the committee that the proposed bid protections is subject to the condition that the stalking horse bidder is neither an insider nor an affiliate of the debtor, which condition is acceptable to the court.

The court notes that there was no objection to the proposed three percent breakup fee, which is acceptable to the court.

Regarding the committee's request for clarification regarding the applicability of any credit bid to any unencumbered properties and the allocation of the purchase price on a property by property basis in the event of a credit bid by a secured lender, and debtor's response that the issues raised by the request are premature because such issues may not be ultimately raised if there is only one bid for the sale assets or the submitted bids only relate to

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, April 8, 2019**

**Hearing Room 1675**

1:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

indisputably encumbered properties. While debtor makes a valid point, it seems that in order that the sale be conducted with a minimum of contested litigation over the encumbered status of particular assets, it would seem that there should be information known by debtor or available to debtor through public database sources like Westlaw.

The committee has asked for clarification that two of the fifteen estate properties are unencumbered, and debtor in reply states that it does not have the financial ability to provide confirmation. Debtor should explain why it does not have information regarding encumbrances on its properties, such as trust deeds, mortgages and property tax liens. Debtor should also explain its lack of ability to pay for preliminary title reports for the assets to be sold, or more reasonable cost alternatives, such as property profiles or Westlaw public database property reports, though the court also realizes that time is of the essence due to possible foreclosure activity by Great Rock. The court inquires of debtor how much information is known about the identity and extent of the liens and lienholders as to each property and whether this information has been or is being made available to prospective bidders. The court recognizes that the bidding parties will be responsible for their due diligence, and the court does agree with the committee in principle that a lienholder cannot credit bid on property it does not have a lien on, but the court feels that it would help if measures can be taken now to anticipate and minimize these allocation disputes.

Regarding the proposed form of notice to be provided to prospective buyers and other parties in interest, the form was supposed to be attached as Exhibit 1 to the reply, but it was not attached, so no tentative ruling on this item.

Regarding scheduling a sale hearing on or before April 9, 2019, the court can tentatively schedule a hearing of one hour for Tuesday April 9, 2019 at 11:00 a.m. If additional time is needed, the court can schedule a hearing on Monday April 8, 2019.

Appearances are required on 3/5/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, April 8, 2019**

**Hearing Room 1675**

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1:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)  
fr. 1/8/19, 2/19/19, 3/12/19

Docket 31

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/9/19 to 5/14/19 at 10:30 a.m.  
per stip & order entered on 4/5/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 5/14/19 at 10:30 a.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. No tentative ruling on the merits. Appearances are required on 2/19/19 to discuss scheduling of further proceedings if debtor has obtained competent and admissible evidence of valuation, but counsel may appear by telephone.

Prior tentative ruling. The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Joseph West**

**Chapter 7**

based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24500 Eric Ojiyi**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Dorothy Cake dba Civic Center Plaza VS Debtor)

Docket 37

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Eric Ojiyi

Represented By  
Brad Weil

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
Alan I Nahmias

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10224 Rosaly Florez**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Rosaly Florez

Represented By  
Cynthia Grande

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11288 Jennifer A Fields**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jennifer A Fields

Represented By  
Leon Nazaretian

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#5.00**      Cont'd hearing re: Motion to dismiss amended complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Financial Credit Union f/k/a Western Federal Credit Union 4) damages by any other party does 1-20 under Federal Rule Civil Procedure 12(b)(6)  
fr. 2/26/19, 3/12/19

Docket      19

**Tentative Ruling:**

Updated tentative ruling as of 4/8/19. No tentative ruling on the merits. Appearances are required on 4/9/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. Off calendar. The court on its own motion by prior order has continued the hearing to 4/9/19 at 11:00 a.m. and further ordered supplemental briefing. No appearances are required on 3/12/19.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                        |                                |
|------------------------|--------------------------------|
| Discover Bank          | Pro Se                         |
| Unify Credit Union     | Represented By<br>Brett P Ryan |
| Attorney Anerio Altman | Pro Se                         |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Arturo Gonzalez**  
Does 1-20

Pro Se

**Chapter 7**

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#6.00** Cont'd hearing re: Motion for relief from stay  
(Arixa Fund III, LP VS Debtor)  
fr. 3/26/19

Docket 9

**Tentative Ruling:**

Updated tentative ruling as of 4/8/19. No tentative ruling on the merits. Appearances are required to discuss scheduling of further proceedings, including an evidentiary hearing, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, and a date for an evidentiary hearing on valuation since the parties dispute valuation. Appearances are required on 3/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

1:30 PM

**2:12-35473 Amurgence Technology Inc**

**Chapter 7**

Adv#: 2:14-01500 Rund Chapter 7 Trustee v. Chen et al

**#7.00** Cont'd pretrial conference re: Complaint to: (1) Avoid and Recover Preferential Transfers; (2) Avoid and Recover Fraudulent Transfers; and for (3) Breach of Fiduciary Duty  
fr. 5/29/18, 11/27/18, 1/15/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 5/7/19 at 1:30 p.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/27/17. No tentative ruling on the merits. The court has reviewed the joint status report and intends to discuss scheduling of further proceedings in this adversary proceeding, specifically to discuss whether they can be coordinated with further proceedings in the related adversary proceedings involving debtor's attorneys and Microland. Appearances are required on 11/28/17, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 8/31/15 and set a post-discovery status conference for 9/29/15 at 1:30 p.m. The parties are ordered to conduct FRBP 7026 conference by 3/31/15. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 3/31/15 and to complete mediation by 9/29/15. Appearances are required on 2/3/15, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Amergence Technology Inc**

**Chapter 7**

**Party Information**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Yian Chen

Pro Se

Shavonne Tran

Pro Se

Doron Stephen

Pro Se

DSI Computers, Inc., a California

Pro Se

**Plaintiff(s):**

Jason Rund Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01241 Grand View Financial, LLC v. Harold R. Fuhrmann

**#8.00** Cont'd status conference re: Complaint for turnover of property of the estate  
[11 U.S.C. §542]  
fr. 10/2/18, 1/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/8/19. No tentative ruling on the merits.  
Appearances are required on 4/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits.  
Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. The court has reviewed plaintiff's unilateral  
status report. No tentative ruling on the merits. Appearances are required on  
1/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. Appearances are required on 10/2/18, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Harold R. Fuhrmann

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22739 Mario Victor Velasco**

**Chapter 7**

Adv#: 2:19-01037 CASARES v. Velasco et al

**#9.00** Status conference re: Adversary complaint to determine non-dischargeability of debt under 11 U.S.C. 523(a)(2),(4), and (6)

Docket 1

**Tentative Ruling:**

Set a discovery cutoff date of 12/31/19 and a further postdiscovery status conference for 1/28/20 at 1:30 p.m. with a joint status report due on 8/6/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/31/19 and complete mediation by 1/28/20. Appearances are required on 4/9/19, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mario Victor Velasco

Represented By  
Rabin J Pournazarian

**Defendant(s):**

Mario Victor Velasco

Pro Se

Toni Ann Velasco

Pro Se

**Joint Debtor(s):**

Toni Ann Velasco

Represented By  
Rabin J Pournazarian

**Plaintiff(s):**

GEORGE CASARES

Represented By  
Victor Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Mario Victor Velasco**

**Chapter 7**

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01113 Diamond, Chapter 7 Trustee, Plaintiff v. Premier Rehabilitation Services, a

**#10.00** Cont'd pretrial conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 5/29/18, 10/23/18, 1/8/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/9/19 to 6/11/19 at 2:00 p.m.  
per stip & order entered on 2/12/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 6/11/19 at 2:00 p.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 5/25/18. The court has reviewed the joint status report. Set a discovery cutoff date of 8/30/18, a pretrial conference for 10/23/18 at 2:00 p.m. and a deadline for filing a joint pretrial stipulation on 10/16/18. In the joint pretrial stipulation, the parties will need to address handling a bifurcated trial between claims to be tried before a jury in the district court and claims to be tried by the court in this court. Once the court approves the joint pretrial stipulation, the court will set a date for the court trial of the claims to be tried by this court and will make a referral of the jury triable claims to the district court. Appearances are required on 5/29/18 to discuss scheduling of further proceedings.

Prior tentative ruling as of 2/5/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 2/6/18 to discuss scheduling of further proceedings, including timing of amendment of pleadings, the proposed extended discovery cutoff date and the setting of a pretrial conference, but counsel may appear by telephone. Defendants have demanded a jury trial, but the court will defer referral of the jury triable claims to the district court for jury trial until the pretrial conference which this court will conduct (unless defendant successfully moves the district court to withdraw the reference). Plaintiff's potential postpetition transfer claims are

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

core claims within this court's jurisdiction and do not appear to be jury triable.

Prior tentative ruling as of 11/6/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 11/7/17 to discuss scheduling of further proceedings, including mediation completion, extended discovery cutoff date and trial, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. The court has reviewed the joint status report. No tentative ruling on the merits, but grant joint request to extend the discovery cutoff date to 9/30/17. Appearances are required on 8/29/17 to discuss scheduling of a pretrial conference and the second mediation, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 5/23/17 to discuss scheduling of further proceedings, including extension of discovery cutoff date to 6/30/17 and setting a date for a pretrial conference, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 3/21/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 12/31/16 and set a post-discovery status conference for 1/17/17 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 9/30/16 and to complete mediation by 1/17/17. Appearances are required on 5/3/16, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

Michael Jay Berger

**Defendant(s):**

Premier Rehabilitation Services, a Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7 Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR) Pro Se

Richard K Diamond (TR) Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#11.00** Cont'd hearing re: Motion compel discovery, protective order, quash subpoenas, contempt court order, violation of redaction rule fr. 2/26/19

Docket 47

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/9/19 to 5/14/19 at 2:00 p.m. per order entered on 4/5/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/8/18. Off calendar. Continued to 5/14/19 at 2:00 p.m. by order entered on 4/5/19. No appearances are required on 4/9/18.

No tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#12.00** Cont'd hearing re: Motion for summary adjudication on : (1) its second, third and fourth claims for relief; and (2) Voong's second claim for relief fr. 3/5/19

Docket 33

**Tentative Ruling:**

No tentative ruling as of 4/8/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#13.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 8/21/18, 11/6/18, 4/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/8/18. No tentative ruling on the merits.  
Appearances are required on 4/9/18, but counsel may appear by telephone.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by  
stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on  
11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status  
report. The court tends to agree with plaintiff and defendant Trinh that a  
determination of whether the estate has an interest in the subject property  
first would be a more efficient use of litigation resources as that seems to be  
a straightforward issue. Deciding this issue is a threshold issue for Second  
Generation's fraudulent transfer claims, and the parties would not have to  
litigate these claims if the assets were plaintiff's separate property.  
Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits.  
Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court intends to advance the related  
matters on the court's 2:30 p.m. calendar to be heard with the status  
conference. However, the status conference will be conducted at the end of  
the 1:30 p.m. for matters in other cases to be called first. Appearances are  
required on 8/21/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Catherine Trinh**

**Chapter 11**

Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-12662 Hector M Vieyra**

**Chapter 7**

**#14.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Elissa Miller, Chapter 7 Trustee]

Docket 46

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/9/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Hector M Vieyra

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-13399 Francisco Guzman Lopez and Matilde Zuniga De Guzman**

**Chapter 7**

**#15.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jason M. Rund, Chapter 7 Trustee]

Docket 39

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/9/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Francisco Guzman Lopez

Represented By  
Richard A Loa

**Joint Debtor(s):**

Matilde Zuniga De Guzman

Represented By  
Richard A Loa

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-15217 Melody Shabpareh**

**Chapter 7**

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

**#16.00** Hearing re: Defendant Nelnet, Inc.'s motion to dismiss first amended complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(8)

Docket 40

**Tentative Ruling:**

Deny defendant Nelnet's motion to dismiss plaintiff's first amended complaint as moot because plaintiff voluntarily dismissed the adversary proceeding as to defendant Nelnet by notice pursuant to FRBP 7041 and FRCP 41(a)(1)(A) (i) which permits a plaintiff to dismiss an action by notice of dismissal before the opposing party serves an answer or a motion for summary judgment with respect to plaintiff's first amended complaint, which Nelnet has not. Appearances are optional on 4/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Defendant(s):**

United States Department Of

Represented By  
Elan S Levey

NELNET EDUCATION LOAN

Represented By  
Jonathan C Sandler

**Plaintiff(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#17.00** Hearing re: Motion to strike trial declaration of Cinthia Benitez and to exclude any of debtors' exhibits at trial

Docket 58

**\*\*\* VACATED \*\*\* REASON: Hearing vacated per order entered on 4/3/19  
-mb.**

**Tentative Ruling:**

Off calendar. The court has entered an order ruling on the motion on the papers and vacating the hearing. No appearances are required on 4/9/19.

**Party Information**

**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17263 8800 LLC**

**Chapter 11**

**#18.00** Hearing re: Motion of Wayne Distribution Center, a Corporation dba Premier Meat Company for allowance and payment of administrative expense pursuant to 11 U.S.C. 503(B)(1)(A)

Docket 158

**Tentative Ruling:**

Deny creditor's motion for allowance and payment of administrative expense claim as moot because the underlying bankruptcy case was dismissed by order entered on 3/29/19. Appearances are optional on 4/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

**#19.00** Hearing re: Motion in individual chapter 11 case for order authorizing debtor in possession to employ general bankruptcy counsel and payment of postpetition retainer

Docket 19

**Tentative Ruling:**

No tentative ruling as of 4/8/19. Appearances are required on 4/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13446 Janus James Quiambao**

**Chapter 7**

**#20.00** Hearing re: Application to pay filing fee in installments

Docket 6

**\*\*\* VACATED \*\*\* REASON: Filing fee installments approved per order entered on 3/29/19-mb.**

**Tentative Ruling:**

Off calendar. The court has approved the application by order entered on 3/29/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Janus James Quiambao Pro Se

**Trustee(s):**

David M Goodrich (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 9, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13449 Elizabeth Ordonez**

**Chapter 7**

**#21.00** Hearing re: Application to pay filing fee in installments

Docket 6

**\*\*\* VACATED \*\*\* REASON: Filing fee installments approved per order entered on 3/29/19-mb.**

**Tentative Ruling:**

Off calendar. The court has approved the application by order entered on 3/29/19. No appearances are necessary.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Elizabeth Ordonez

Pro Se

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#0.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 1/8/19, 2/5/19, 4/2/19

Docket 96

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No updated tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No updated tentative ruling on the merits. Appearances are required on 4/2/19, but counsel may appear by telephone,

Prior tentative ruling as of 2/4/19. No updated tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone,

Prior tentative ruling. Service of the motion is deficient since there is no proof of service on the 20 largest unsecured creditors as required by FRBP 4001(a) (1) and 1007(d). The motion appears to be a contested matter under FRBP 9014 with respect to the purpose of stay relief to allow the civil contempt proceeding to go forward in state court whether for the purpose of collecting on the judgment and vindicating private rights or for the purpose of effectuating public policy to deter "unprofessional conduct." In re Dingley, 852 F.3d 1143, 1146-1147 (9th Cir. 2017); see also, Kukui Gardens Corp. v. Holco Capital Group, Inc., 675 F.Supp.2d 1016, 1025-1029 (D. Haw. 2009). Most likely, the court will have to set an evidentiary hearing after proper notice is given to creditors. Appearances are required on 1/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#1.00** CONT'D EVIDENTIARY HEARING RE: Motion for reconsideration of order disallowing creditor Ghazar Zehnaly's proof of claim 7-1 fr. 12/19/18, 2/7/19

Docket 589

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/10/19 to 4/17/19 at 11 .m. per order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 2/7/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing to examine movant regarding whether he has a reasonable explanation for why he did not file his motion earlier. The court does not have time on its law and motion calendar on 12/19/18 to take movant's testimony and will set a hearing to take his testimony, which the court expects will take about an hour. Appearances are required on 12/19/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, April 10, 2019

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

**#2.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr.12/12/18, 2/6/19, 2/7/19

Docket 482

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/10/19 to 4/17/19 at 11 .m. per order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnal set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. The court is still deliberating after trial and does not expect a decision by 12/31/18, most likely, January 2019. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/1/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. Updated tentative ruling as of 5/11/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Ashley McDow. Appearances are required on 5/12/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Marc Benezra. Appearances are required on 5/3/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case fr. 12/12/18, 2/6/19, 2/7/19

Docket 479

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/10/19 to 4/17/19 at 11 .m. per order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Updated tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18,

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Los Angeles  
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**CONT...**      **Sarkis Investments Company, LLC**  
but counsel may appear by telephone.

**Chapter 11**

pdated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. Appearances are required on 3/22/17.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. The court has concerns regarding the propriety of a "structured" dismissal (called "conditional" dismissal in the moving papers), i.e., whether the record is sufficient to warrant deviation from the normal procedures expressly provided in the Bankruptcy Code, i.e., a liquidating plan, case conversion or straight dismissal without conditions, or whether more broadly, whether structured dismissals are permitted at all, which may be at issue before the Supreme Court in *In re Jevic Holding Corp.*, 787 F.3d 173 (3rd Cir. 2015), cert. granted, *Czyzewski v. Jevic Holding Corp.* 136 S.Ct. 2541 (2016). See also, Transcript of Oral Argument, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (S.Ct., argued December 7, 2016); see also, e.g., Salerno, Hansen, Meyer, Schuster and Barsharis, *Advanced Chapter 11 Bankruptcy Practice*, Section 12.22 (2nd ed. online, 2016 Cum. Supp.); Greenberg, Smith and Taylor, "The Elephant Hiding in the Mousehole": *In re Jevic*, 2016 No. 10 Norton Bankr. L. Adviser NL 1 (online ed., October 2016); Pernick and Dean, "Structured Chapter 11 Dismissals: A Viable and Growing Alternative After Asset Sales," 29 Am. Bankr. Inst. J. 1 (June 2010); Eitel, Tinker and Lambert, "Structured

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Dismissals, or Cases Dismissed Outside of Code's Structure?", 30 Am. Bankr. Inst. J. 20 (March 2011). Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 12/12/18, 2/6/19, 2/7/19

Docket 157

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/10/19 to 4/17/19 at 11 .m. per  
order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Updated tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. No appearances are required on 12/13/17.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

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Los Angeles  
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**CONT... Sarkis Investments Company, LLC Chapter 11**

Updated tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/15/14. Appearances are required on 4/16/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan. Debtor has indicated that it intends to revise the disclosure statement to address objections of United States Trustee.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 2/6/19, 2/7/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/10/19 to 4/17/19 at 11 .m. per  
order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are required on 11/7/18 because creditor Zehnaly appeared at the last status conference and may

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

appear to be heard on his claim, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the

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**CONT...**      **Sarkis Investments Company, LLC**      **Chapter 11**

hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the status conference on its own motion to 12/13/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 12/13/17. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court has reviewed debtor's status report. In that the court is still deliberating on the final fee application of general bankruptcy counsel for debtor, the court continues the status conference on its own motion to 10/25/17 at 1:30 p.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Updated tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by



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Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

Prior tentative ruling as of 1/25/16. The court has reviewed debtor's status report. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. No tentative ruling on the merits. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on

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4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

No updated tentative ruling as of 4/15/14. Appearances are required on 4/16/14.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan.

Prior tentative ruling as of 3/10/14. No tentative ruling on the merits. Appearances are required on 3/12/14, but counsel may appear by telephone.

Updated tentative ruling as of 2/24/14. No tentative ruling on the merits.

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Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 2/3/14. The court has reviewed debtor's status report and the comments of the secured creditor on status. No tentative ruling. Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 11/19/13. The court has reviewed debtor's status report. No tentative ruling. Appearances are required on 11/20/13, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/13. No tentative ruling on the merits. Appearances are required on 10/9/13.

Updated tentative ruling as of 9/18/13. Off calendar. Continued at hearing on 9/17/13 to 10/9/13 at 11:30 a.m. No appearances required on 9/18/13.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/18/13, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#6.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 2/27/19, 3/6/19, 3/13/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a

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**Chapter 11**

pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#7.00** Status conference re: Various matters including sale of debtor's residence and creditor  
Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i)

Docket 656

**Tentative Ruling:**

No tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#8.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel



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**Chapter 11**

**#9.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA Accountancy, LLP  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#10.00** Cont'd hearing re: Disclosure statement  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own  
motion continues the hearing in light of the pending motion of counsel for  
creditor Cindy Magleby to withdraw and of the need for the assigned judge to  
recover from recently scheduled but urgent dental surgery scheduled for  
12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status  
conference to discuss the impact of the pending motion of counsel for creditor  
to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.  
Continued on the court's own motion by separate order to 11/29/18 at 1:30  
p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on

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8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status

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**Chapter 11**

report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

- #11.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 12/19/18, 1/30/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.

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**Chapter 11**

Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

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**Chapter 11**

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#12.00** Cont'd hearing re: Third interim application for allowance and payment of fees and reimbursement of expenses for Blakeley LP and Khang and Khang LLP fr. 2/26/19, 2/27/19

Docket 301

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. The court is still concerned that debtor lacks the ability to pay the requested fees. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Deny interim fee application of general bankruptcy counsel for unsecured creditors committee without prejudice because: (1) no separately filed declaration of client indicating review of the application and lack of objection; and (2) no evidence debtor has the funds to pay the claimed fees (latest monthly operating report shows estate has less than \$6,000 in funds). The court is disclined to authorize payment of interim fees where estate is administratively insolvent. Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**Movant(s):**

Ronald Clifford Blakeley LLP

Represented By  
Ronald Clifford



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#13.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Khang & Khang LLP, debtor's attorney (11 U.S.C. §331)  
fr. 2/26/19, 2/27/19

Docket 295

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. The court is still concerned that debtor lacks the ability to pay the requested fees. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Deny interim fee application of general bankruptcy counsel for debtor in possession without prejudice because: (1) no separately filed declaration of client indicating review of the application and lack of objection; and (2) no evidence debtor has the funds to pay the claimed fees (latest monthly operating report shows estate has less than \$6,000 in funds). The court is declined to authorize payment of interim fees where estate is administratively insolvent. Appearances are required on 2/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**Movant(s):**

Khang & Khang LLP

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#14.00** Cont'd hearing re: Motion for order authorizing and approving adequacy of debtor's disclosure statement describing debtor's first amended chapter 11 plan fr. 11/8/18, 12/17/18, 2/27/19

Docket 217

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits. Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

No updated tentative ruling as of 9/18/18. Appearances are required on 9/19/18, but counsel may appear by telephone.

No tentative ruling as of 7/16/18. Appearances are required on 7/18/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/8/18, 12/17/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits.  
Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/16/18. No tentative ruling on the merits.  
Appearances are required on 2/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. No tentative ruling on the merits.  
Appearances are required on 1/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/10/17. No tentative ruling on the merits.  
Appearances are required on 10/11/17, but counsel may appear by

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Plain Leasing, Inc.**  
telephone.

**Chapter 11**

Revised tentative ruling as of 7/25/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits, but the court notes that the cash flow projection described as Exhibit A was not attached to the status report. Appearances are required on 4/19/17 to discuss setting of claims bar date and further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#16.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/28/18, 2/6/19, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Revised tentative ruling as of 10/23/18. Off calendar. Continued by  
stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required  
on 10/24/18.

Prior tentative ruling as of 6/25/18. Off calendar. Continued by stipulation  
and order to 8/8/18 at 11:00 a.m. No appearances are required on 6/27/18.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/22/18. No tentative ruling on the merits.  
Appearances are required on 1/24/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/23/17. No tentative ruling on the merits.  
Appearances are required on 10/25/17, but counsel may appear by  
telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shapphire Resources, LLC**

**Chapter 11**

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#17.00** Cont'd hearing re: Motion to dismiss chapter 11 bankruptcy  
fr. 1/9/19, 2/6/19, 2/27/19

Docket 118

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19 to discuss the status of the settlement  
conference with Judge Zive, debtors and creditor Oggi's, but counsel may  
appear by telephone.

Prior tentative ruling as of 10/17/18. The court retracts its tentative ruling of  
10/16/18 because it has authorized debtors to respond orally to the  
supplemental brief of creditors by time of continued hearing, and to file a  
written response. Appearances are required on 10/17/18, but the prior  
tentative ruling on 10/15/18 remains the same.

Updated tentative ruling as of 10/16/18. Debtors filed a surreply brief and  
request for judicial notice of new matters on 10/15/18, which are not  
authorized under the court's local rules and for which debtors did not request  
leave of court to file, and the court will disregard these papers for purposes of  
the hearing on 10/17/18. Creditors need not respond to debtors' surreply or  
request for judicial notice at the hearing on 10/17/18, though the court might  
consider them as debtors' trial brief for the trial that will be set on this  
contested matter. Otherwise, the court's tentative ruling posted on 10/10/18  
will apply.

Prior tentative ruling as of 10/15/18. The court will treat the hearing as a  
status conference because there are material factual disputes raised by the

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Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

motion which is a contested matter under Federal Rule of Bankruptcy Procedure 9014 relating to debtors' good faith in filing this case which require an evidentiary hearing to resolve. The court will schedule an evidentiary hearing at the status conference, and the court requests that counsel appear telephonically rather than appear in person to minimize litigation costs.

Regarding the contentions of debtors, the court is of the view that the motion is not untimely and there is no bar of laches because it seems that at any time in this case, parties in interest can move for dismissal, particularly, preconfirmation, that the motion is not a litigation tactic by creditors to gain advantage in the state court, and that debtors can reorganize and confirm a plan is not an undisputed fact and remains to be seen.

Regarding the contentions of creditors, the court is of the view that debtors could propose a confirmable plan through a combination of income and asset sales, particularly as creditors acknowledge that debtors have property equity of over \$1.1 million to fund a plan, that denial of confirmation of the currently proposed plan does not necessarily mean that debtors could not later propose an amended plan that is confirmable, that creditors' opposition to a plan does not necessarily mean that a plan absolutely be confirmed under the cramdown standards of 11 U.S.C. 1129(b), provided that debtors find a way to meet the requirements of the absolute priority rule or qualify for an exemption to the rule, and that whether this is a two-party dispute is a disputed issue of material fact relating to good faith of debtors in filing this case.

If creditors are pressing their motion, the court will ask them for dates for an evidentiary hearing on the disputed material issues of fact, or these issues can be litigated in connection with plan confirmation relating to the disclosure statement and proposed plan now pending.

Appearances are required on 10/17/18, but counsel may and should appear by telephone.

Prior tentative ruling as of 9/17/18. Appearances are required on 9/19/19, but counsel may appear by telephone.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#18.00** Hearing re: Confirmation of plan  
fr. 1/9/19, 2/6/19, 2/27/19

Docket 135

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19 to discuss the status of the settlement  
conference with Judge Zive, debtors and creditor Oggi's, but counsel may  
appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1)  
insufficient legal justification for separately classifying business and  
"consumer" unsecured claims; (2) insufficient justification for property  
valuations set forth in liquidation analysis; (3) insufficient justification for 30%  
capital gains tax burden in liquidation analysis. Appearances are required on  
11/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard  
David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Paul Bodeau and Sandra Bodeau**

David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#19.00** Cont'd hearing re: Application to employ The Law Offices of Brian H. Cole as Special Franchise Law Counsel  
fr. 1/9/19, 2/6/19, 2/27/19

Docket 116

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. The court is inclined to trail the hearing on the application to employ until the court rules on creditor's motion to dismiss. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion continues the hearing on the application to employ special litigation counsel to the date and time of the hearing on creditor's motion to dismiss the bankruptcy case on 9/19/18 at 2:30 p.m. as a status conference on the application. Most likely, creditor's motion to dismiss is a contested matter under FRBP 9014 and may require an evidentiary hearing which the court will set at the hearing on 9/18/18, and

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau Chapter 11**

the hearing on the employment application will trail the hearing on the motion to dismiss since granting of the motion to dismiss will moot out the application. No appearances are required on 8/29/18. Debtor to notify applicant of the continuance.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#20.00** Hearing re: Application for payment of final fees and/or expenses for The Law Offices of Brian H. Cole (11 U.S.C. §330)

Docket 174

**Tentative Ruling:**

No tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#21.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19, 2/6/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19 to discuss the status of the settlement  
conference with Judge Zive, debtors and creditor Oggi's, but counsel may  
appear by telephone.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status  
report indicating that debtor and creditor Oggi's Pizza & Brewing Co. have  
indicated a willingness to ask a settlement conference before a judicial officer.  
The court was thinking of asking Visiting Bankruptcy Judge Gregg Zive to act  
as a settlement judge because in the court's view, he would have the ideal  
temperament for this case, and he may be available in early December or  
early February to conduct a settlement conference. Otherwise, no tentative  
ruling on the merits. Appearances are required on 11/7/18, but counsel may  
appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status  
report. No tentative ruling on the merits. Appearances are required on  
10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtors' status  
report. No tentative ruling on the merits. Appearances are required on  
7/11/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

Prior tentative ruling as of 2/5/18. The court has reviewed debtors' status report, and the court is inclined to set a further status report in 90 days. No tentative ruling on the merits. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 11/15/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By  
Lane K Bogard

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau**

**Chapter 11**

Adv#: 2:17-01455 Oggi's Pizza and Brewing Company v. Bodeau et al

**#22.00** Cont'd status conference re: Removal of state court action to bankruptcy court and filing of underlying pleadings  
fr. 1/9/19, 2/6/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/22/18. Off calendar. At the hearing on creditor's motion to dismiss on 10/17/18, the court continued the pretrial conference to 11/7/18 at 11:00 a.m. as a status conference. No appearances are required on 10/24/18.

Prior tentative ruling as of 7/16/18. The court has reviewed the joint status report. Appearances are required on 7/17/18 to discuss the status of the mediation, timing of expert witness discovery and scheduling of pretrial conference and trial. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/4/17. The court has reviewed the joint status report. Set a discovery cutoff date of 6/30/18 and a further postdiscovery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, April 10, 2019

Hearing Room 1675

11:00 AM

CONT...

**Paul Bodeau**

**Chapter 11**

status conference for 7/17/18 at 1:30 p.m. with a joint status report due on 7/10/18. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 1/31/18 and complete mediation by 7/17/18. Appearances are required on 12/5/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/3/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Defendant(s):**

Paul Bodeau

Pro Se

Sandra Bodeau

Pro Se

Kevin Michael Bodeau

Pro Se

Bodeau Enterprises

Pro Se

DOES 1-50

Pro Se

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

**Plaintiff(s):**

Oggi's Pizza and Brewing Company

Represented By

Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#23.00** Hearing re: Motion for order: (1) approving disclosure statement; (2) approving notice procedures; (3) establishing confirmation procedures and deadlines; and (4) establishing certain bar dates

Docket 72

**Tentative Ruling:**

No tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#24.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 11/14/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
9/19/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report.  
Regarding debtor's proposed claims bar dates, the court requires at least 60  
days notice to nongovernmental creditors, and debtor's proposed bar date for  
governmental creditors of 7/30/18 is inconsistent with 11 U.S.C. 502(b)(9)  
providing that claims of governmental units are timely if filed before 180 days  
after the order for relief. Otherwise, no tentative ruling on the merits.  
Appearances are required on 5/16/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#25.00** Cont'd hearing re: Motion for appointment of a chapter 11 trustee  
fr. 1/9/19, 2/27/19

Docket 85

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, April 11, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#1.00** TRIAL RE: Motion to dismiss chapter 7 bankruptcy, or in the alternative, to convert chapter 7 to chapter 13  
fr. 1/29/19

Docket 47

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/11/19 to 5/1/19 at 1:30 p.m.  
per order entered on 4/3/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/9/19. Off calendar. Continued to 5/1/19 at 1:30 p.m. on the court's own motion by order entered on 4/3/19. No appearances are required on 4/11/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to debtors' good faith in requesting dismissal or conversion. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, April 12, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-22101 Mary Palolo Anderson**

**Chapter 7**

**#1.00** TRIAL RE: Debtor's motion to avoid judicial lien of Vince Zankich under 11 U.S.C. §522(f) fr. 1/29/19

Docket 10

**Tentative Ruling:**

Updated tentative ruling as of 4/2/19. Off calendar. Because creditor has filed a notice of withdrawal of the motion, the court vacates the trial as there is no longer any opposition to the motion and there is no need for trial. No appearances are required on 4/12/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to valuation of the subject property. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Mary Palolo Anderson

Represented By  
Daniel King

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-21855 Michael Richard Shapiro**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Santa Monica Jewelry & Loan VS Debtor)

Docket 22

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny movant relief from stay pursuant to 11 U.S.C. 362(d)(2) because movant has not met its burden of proving the lack of equity in the collateral under 11 U.S.C. 362(g)(1) since the moving papers indicate that debtor has 35% net equity in the collateral (moreover, the supplemental declaration of Michael Klass regarding lack of equity is deficient under 28 U.S.C. 1746(2) because the date of execution is incomplete). Deny the requests for extraordinary relief in paragraphs 7, 8 and 9 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Trustee(s):**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Michael Richard Shapiro**  
Timothy Yoo (TR)

Pro Se

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10605 Mylon Deon Ridgway**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Mercedes-Benz Financial Services USA LLC VS Debtor)

Docket 21

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mylon Deon Ridgway

Represented By  
Todd L Turoci

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11150 Precision AgriTech Inc.**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Eric Ellestad and Matthew Vail VS Debtor)

Docket 17

**Tentative Ruling:**

Grant movants relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition.

Movants must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movants may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movants do not appear, the court will assume that movants submit on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Precision AgriTech Inc.

Represented By  
Ashley M McDow

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11746 Bridgette A. Ward**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Logix Federal Credit Union VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Bridgette A. Ward

Represented By  
Taylor F Williams

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12246 Felicia Desire Smith**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Bank of the West VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Felicia Desire Smith

Represented By  
Michael E Clark

**Movant(s):**

BANK OF THE WEST

Represented By  
Mary Ellmann Tang

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#6.00**      Cont'd status conference re: Complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Credit Union fka Western Federal Credit Union 4) damages by any other party does, 1-20  
fr. 1/15/19

Docket      1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/16/19 to 5/28/19 at 1:30 p.m.  
per hearing held on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/15/19. Off calendar. Continued to 5/28/19 at 1:30 p.m. by order entered on 4/10/19. No appearances are required on 4/16/19.

Prior tentative ruling. The court will conduct the status conference on its 2:30 p.m. calendar with the hearings of plaintiff's motion to file an amended complaint and defendant UNIFY Financial Credit Union's motion to dismiss rather than at 1:30 p.m. for the convenience of the parties and the court.

Appearances are required on 1/15/19 at 2:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

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| Arturo Gonzalez | Pro Se |
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**Defendant(s):**

|               |        |
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| Discover Bank | Pro Se |
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| Unify Credit Union | Pro Se |
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| Attorney Anerio Altman | Pro Se |
|------------------------|--------|

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| Does 1-20 | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Arturo Gonzalez**

**Chapter 7**

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01121 Ehrenberg v. JYMK COSMETICS, INC. et al

**#7.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 9/18/18, 11/6/18, 1/29/19

Docket 1

**Tentative Ruling:**

Corrected tentative ruling as of 4/15/19. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late June or early July 2019. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late January 2019. The court on its own motion continues the status conference to 1/29/19 at 1:30 p.m. Counsel for trustee to give notice if required because any defendant has appeared. No appearances are required on 11/6/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because default has been entered against defendant and plaintiff has represented that it intends to file a motion for default judgment shortly, the court on its own motion continues the status conference for about 60 days to 11/6/18 at 1:30 p.m. so plaintiff can file its motion for default judgment. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

report. Because defendants have not responded to the complaint and plaintiff intends to request entry of their default, the court is inclined to continue the status conference for about 60 days so plaintiff can file a request for entry of default. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

JYMK COSMETICS, INC.

Pro Se

In One Corporation

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01122 Ehrenberg v. Perfumerie, Inc. et al

**#8.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 9/18/18, 11/6/18, 1/29/19

Docket 1

**Tentative Ruling:**

Corrected tentative ruling as of 4/15/19. The court has reviewed the joint status report, stating that the parties are considering exchanged settlement proposals and that they are requesting a continuance of the status conference for 60 days. Plaintiff also requests an extension of the discovery cutoff date for 90 days. However, the court has not yet issued a pretrial scheduling order setting a discovery cutoff date. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m. and sets the discovery cutoff date of 8/30/19. An updated status report is optional for the status conference on 6/25/19, but if one is filed, it would be appreciated if it is filed at least one week before. Plaintiff is ordered to submit a proposed scheduling order consistent with this tentative ruling on or before 4/19/19. No appearances are required on 4/16/19.

Prior tentative ruling as of 1/28/19. Off calendar. Continued by stipulation and order to 4/16/19 at 1:30 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. The court has reviewed the joint status reports indicating that the parties do not agree on a pretrial schedule and on whether the matter should be ordered to mediation. Appearances are required on 9/18/18 to discuss scheduling and mediation, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status reports. Because the parties have not had their LBR 7026-1 conference, the court is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Perfumerie, Inc.

Pro Se

Puja Lachmandas

Pro Se

Parvez Syed

Pro Se

Rajkumari Aswani

Pro Se

Naintara Jiwnani

Pro Se

Archana Jiwnani

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01124 Ehrenberg v. Chaparala

**#9.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 9/18/18, 11/6/18, 1/29/19

Docket 1

**Tentative Ruling:**

Corrected tentative ruling as of 4/15/19. The court has reviewed the joint status report, stating that the parties expect to engage in settlement negotiations after defendant submits a comprehensive declaration regarding his financial condition with a personal financial statement setting forth all of his assets, liabilities, income and expenses and that the parties are requesting a continuance of the status conference for 60 days. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. Plaintiff is ordered to submit a proposed scheduling order consistent with this tentative ruling on or before 4/19/19. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss whether the parties have had their early meeting of counsel and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/19, and as requested by plaintiff, a further status conference to 1/29/19 at 1:30 p.m. Appearances are required on 11/6/18 to discuss scheduling and defendant's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 11/6/18 at 1:30 p.m., which request the court grants and continues the status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

conference to that date and time for the reasons stated in the status report.  
No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed the joint status report. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-25444 Wladimir John Klimenko**

**Chapter 7**

Adv#: 2:17-01217 Gonzalez v. Brown et al

**#10.00** Cont'd status conference re: Complaint for: (1) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §544(b)(1), 548(a)(1)(A), and 550, and California Civil Code §3439.04(a)(1); (2) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(I), and 550, and California Civil Code §3439.05; (3) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(II) and 550, and California Civil Code §3439.04(a)(2)(A); (4) Avoidance and recovery of fraudulent transfer pursuant to 11 U.S.C. §§544(b)(1), 548(a)(1)(B)(i)(ii)(III), and 550, and California Civil Code §3439.04(a)(2)(A); (5) Preservation of avoided transfer pursuant to 11 U.S.C. §551; (6) Disallowance of claim pursuant to 11 U.S.C. §502(d); and (7) Disallowance of claim pursuant to 11 U.S.C. §502(b)  
fr. 10/23/18, 12/4/18, 2/12/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 4/9/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are required on 4/16/19.

**Party Information**

**Debtor(s):**

Wladimir John Klimenko

Represented By  
Stephen S Smyth  
William J Smyth

**Defendant(s):**

Robert Anthony Brown

Pro Se

Law Office of Robert Brown

Pro Se

Acquiplied Assets, B.T.

Pro Se

Wladimir John Klimenko

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Wladimir John Klimenko**

**Chapter 7**

Wladimir J. Klimenko Living Trust Pro Se

Jeffrey Alan Abraham Pro Se

JMS Financial, Inc Pro Se

Deanna Shapiro Pro Se

BANK OF THE WEST Pro Se

**Plaintiff(s):**

Rosendo Gonzalez

Represented By  
Sherri S Shafizadeh  
Thomas A Fasel

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15217 Melody Shabpareh**

**Chapter 7**

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

**#11.00** Cont'd status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(8) fr. 10/9/18, 1/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/15/19. The court has reviewed the joint status report. Set a discovery cutoff date of 8/31/19, and a pretrial conference on 10/29/19 at 2:00 p.m. with a filing deadline for a joint pretrial stipulation on 10/22/19. Appearances are required on 4/16/19 to discuss scheduling and plaintiff's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/9/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Defendant(s):**

NELNET EDUCATION LOAN

Pro Se

University of Phoenix, Inc.

Pro Se

**Plaintiff(s):**

Melody Shabpareh

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Melody Shabpareh**

Thomas E Brownfield

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#12.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 1/15/19, 1/29/19, 3/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/16/19 to 5/28/19 at 1:30 p.m.  
per stip & order entered on 3/25/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/28/19 at 1:30 p.m. No appearances are required on 4/16/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-12696 Thomas S Kim**

**Chapter 7**

**#13.00** Order to show cause hearing for debtor's failure to file a Certificate of Credit Counseling

Docket 0

**\*\*\* VACATED \*\*\* REASON: Case dismissed for failure to file schedules  
per entered order on 4/1/19-mb.**

**Tentative Ruling:**

Off calendar. The order to show cause is moot because the underlying bankruptcy case was dismissed for failure to file schedules pursuant to an order entered on 4/1/19. No appearances are required on 4/16/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Thomas S Kim

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-26069 Allen Bernard Shay**

**Chapter 7**

**#14.00** Hearing re: Motion for order disallowing claim no. 14 filed by Allen Shay

Docket 326

**Tentative Ruling:**

Grant trustee's motion for order disallowing claim no. 14 of Debtor Allen Shay for the reasons stated in the moving and reply papers because debtor as claimant has not met his burden of proving that the debt claimed an administrative expense under 11 U.S.C. 503(b) arose from a transaction with the trustee (or he gave consideration to the trustee) and the debt directly and substantially benefitted the bankruptcy estate. Debtor's claim did not involve any transaction with the trustee because debtor incurred the expense without the trustee's knowledge or consent (and without debtor giving consideration to the trustee). Debtor has not shown that the expense directly and substantially benefitted the estate. Apparently, the expense was for some plumbing work on the subject real property because there is no evidence that such work was necessary or benefitted the estate, and it is unclear what was actually done. In re DAK Industries, Inc., 66 F.3d 1091 (9th Cir. 1995). Moreover, there is no evidence that debtor made the payment of the expense to claim reimbursement. Pursuant to 11 U.S.C. 541 and 704, the trustee has supervision and control of property of the estate, including the subject real property, and debtor had no authority to incur expense on behalf of the estate. Appearances are required on 4/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Allen Bernard Shay

Represented By  
Andrew Edward Smyth  
William J Smyth

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Alfred H Siegel (TR)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Allen Bernard Shay**

Anthony A Friedman

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#15.00** Hearing re: Plaintiff's motion: (1) to interpret confirmation order and confirmed plan; and (2) to vacate order approving stipulation with Ace Museum, and strike stipulation from the docket, Pursuant to F.R.B.P. 9024, and F.R.C.P. 60(d)(3)

Docket 540

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/16/19 to 5/2/19 at 1:30 p.m.  
per order entered on 4/11/19-mb.**

**Tentative Ruling:**

Off calendar. Hearing continued to 5/2/19 at 1:30 p.m. on the court's own motion by order entered on 4/11/19. No appearances are required on 4/16/19.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By  
Michael W Vivoli  
Ashley M McDow  
Ronald Rus

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell

Jennifer Kellen

Represented By  
Michael D Sobkowiak

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

**Plaintiff(s):**

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**  
Jessica Vogel

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:14-21890 Alphonso Rowe Ferguson and Ruby Lee Ferguson**

**Chapter 7**

**#16.00** Hearing re: Motion to reopen chapter 7 case and authority to file on behalf of debtors by an administrator of debtors estate

Docket 48

**Tentative Ruling:**

The moving papers are deficient because movant has not demonstrated standing to act on behalf of debtors as the administrator of their probate estates as she has not provided copies of the probate court's orders appointing her as the administrator of the probate estates (i.e., letters testamentary). Deny the motion without prejudice unless movant provides the court with copies of the probate court's orders appointing her as the administrator. Appearances are required on 4/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Alphonso Rowe Ferguson

Represented By  
Michelle A Marchisotto  
Sundee M Teeple

**Joint Debtor(s):**

Ruby Lee Ferguson

Represented By  
Michelle A Marchisotto  
Sundee M Teeple

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-26326 Randolph Carl Scales**

**Chapter 7**

**#18.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Richard K. Diamond, Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Randolph Carl Scales

Represented By  
Daniel King

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Zev Shechtman  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-26326 Randolph Carl Scales**

**Chapter 7**

**#19.00** Hearing re: Application for fees and expenses  
[Danning, Gill, Diamond & Kollitz, LLP, Attorney for Chapter 7 Trustee]

Docket 47

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Randolph Carl Scales

Represented By  
Daniel King

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Zev Shechtman  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-26326 Randolph Carl Scales**

**Chapter 7**

**#20.00** Hearing re: Application for fees and expenses  
[Grobstein Teeple LLP, Accountant for Chapter 7 Trustee]

Docket 48

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Randolph Carl Scales

Represented By  
Daniel King

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Howard Kollitz  
Zev Shechtman  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-12087 Leala M. Simich**

**Chapter 7**

**#21.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 71

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Leala M. Simich

Represented By  
Glenn Ward Calsada

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-12087 Leala M. Simich**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Law Office of Wesley H. Avery, Attorney for Chapter 7 Trustee]

Docket 70

**Tentative Ruling:**

The application is deficient because: (1) there is no separately filed declaration from the client that he reviewed the fee application and has no objection to it as required by LBR 2016-1(a)(1)(J); and (2) the application requests approval of fees in the amount of \$33,449.77 and expenses of \$505.27, but the trustee's final report states that applicant's requested fees are \$30,000.00 and expenses of \$505.27. Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Leala M. Simich

Represented By  
Glenn Ward Calsada

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Wesley H Avery



**United States Bankruptcy Court  
Central District of California  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#23.00** Hearing re: Motion to dismiss counter-claims pursuant to Fed. R. Civ. P. 12(b)(6)

Docket 30

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/16/19 to 5/14/19 at 2:30 p.m.  
per stip & order entered on 4/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/14/19 at 2:30 p.m. No appearances are required on 4/16/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Represented By  
Douglas A Crowder

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1675 Calendar**

Tuesday, April 16, 2019

Hearing Room 1675

2:30 PM

**2:18-10171 Renato H Hahn and Lisa Hahn**

**Chapter 7**

**#24.00** Hearing re: Motion requesting court to appoint trustee to administer assets of the bankruptcy estate in connection with the order temporarily denying motion to avoid lien

Docket 43

**Tentative Ruling:**

Deny debtors' motion to appoint trustee because there is no basis for the court to determine that a trustee is necessary to protect the interests of creditors and the debtors or to insure efficient administration of the bankruptcy estate as required by FRBP 5010. Debtors contend that the trustee should be reappointed to administer surplus proceeds from a foreclosure sale of certain real property, which they had scheduled, but not administered by the trustee at the time of the closing of the case because stay relief had been granted as to the property, and had been technically abandoned to them upon closing of the case pursuant to 11 U.S.C. 554(c). The reopening of the case does not nullify the technical abandonment of the real property to debtors. In re Menk, 241 B.R. 896, 914 (9th Cir. BAP 1999). The reopening of the case also does not reinstate the trustee unless the court orders the trustee reappointed pursuant to FRBP 5010. Id. There is no basis to reappoint the trustee in this case because there is no property of the estate to administer by her for creditors or debtors because the property (and the resulting surplus proceeds) was and is technically abandoned to debtors, who can assert their own exemption rights in the pending state court proceedings to decide what party is entitled to the surplus sales proceeds. The trustee is not needed for this because debtors can assert their own rights in the surplus sales proceedings now pending in state court. Appearances are required on 4/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Renato H Hahn

Represented By  
Young K Chang

**Joint Debtor(s):**

Lisa Hahn

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Renato H Hahn and Lisa Hahn**

Young K Chang

**Chapter 7**

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-13014 Sealink Insurance Services Corporation**

**Chapter 7**

**#25.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Howard M. Ehrenberg, Chapter 7 Trustee]

Docket 33

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Sealink Insurance Services

Represented By  
Omero Banuelos

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-13014 Sealink Insurance Services Corporation**

**Chapter 7**

**#26.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 34

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 4/16/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Sealink Insurance Services

Represented By  
Omero Banuelos

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-19232 Constance Geneva Brigham**

**Chapter 7**

**#27.00** Hearing re: Chapter 7 trustee's application to employ Shulman Hodges & Bastian LLP as general counsel

Docket 26

**Tentative Ruling:**

No tentative ruling as of 4/15/19. Appearances are required on 4/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Constance Geneva Brigham

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Lynda T Bui  
Rika Kido

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11179 Kiyoko Nakano**

**Chapter 7**

**#28.00** Hearing re: Trustee's motion for dismissal of case

Docket 11

**Tentative Ruling:**

Treat the trustee's motion to dismiss as a contested matter under FRBP 9014 because there are factual issues regarding whether the bankruptcy case is properly filed (i.e., the attorney in fact is acting in a representative capacity that the bankruptcy case is truly the intent of debtor since the trustee has submitted evidence that this may be an elder abuse situation, which evidence is contested by the attorney in fact) and the case law is divided as to whether a general power of attorney may be used to file bankruptcy on another's behalf. See *United States v. Spurlin*, 664 F.3d 954, 959-960 (5th Cir. 2011), citing inter alia, *In re Ballard*, 1987 WL 191320 (Bankr. N.D. Cal. 1987); see also, *In re Vitagliano*, 303 B.R. 292 (Bankr. W.D. N.Y. 2003). The court may have to set an evidentiary hearing on whether or not this case is the actual intent of debtor to seek bankruptcy relief and would require that debtor personally appear at this evidentiary hearing. The court also notes that on 4/5/19 the attorney in fact filed a notice of cancellation of the continued meeting of creditors under 11 U.S.C. 341(a) which the trustee had set for 4/9/19 at 8:00 a.m. Although the attorney in fact asserts that the cancellation was agreed to by the trustee in a telephone conversation on 3/27/19, if this is not true, and debtor and the attorney in fact failed to appear at the continued meeting of creditors on 4/9/19, this may be grounds for dismissal of the case for failure of debtor to appear at a meeting of creditors without further hearing pursuant to Local Bankruptcy Rules 1017-2(b) and 9013-1(q). Appearances are required on 4/16/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Kiyoko Nakano

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

2:30 PM

**CONT... Kiyoko Nakano**

**Chapter 7**

**Movant(s):**

Carolyn A Dye (TR)

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, April 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

Telephonic Hearing

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/5/19, 2/15/19, 3/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued by stipulation and order to 5/1/19 at 11:00 a.m. No appearances are required on 4/17/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. The court will discuss the status of the Phase I ruling with counsel. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/14/19. Appearances are required to discuss scheduling of further proceedings, including mediation and Phase 2 trial, but counsel may appear by telephone. Judge Wallace has indicated his willingness to serve as a mediator for this matter.

Prior tentative ruling as of 2/4/19. The court has reviewed debtor's status report requesting to be heard on the hardship caused by the delay of decision of Phase I of the trial. To bring this matter promptly to conclusion, the court is of the view that Phase II of the trial is probably needed and suggests that the parties to the dispute of debtor's objection to the claim of the IRS, debtor and the government, consider when Phase II can be scheduled and how long it will take (perhaps in March, April or May 2019). The issues relating to Phase II concern factual disputes whether debtor materially participated in the various business enterprises to warrant the business loss deductions, and the court expects that the witnesses would primarily be debtor and those who worked with him in these business enterprises and that the documentary evidence to be offered would be records of the various business enterprises to show his material participation. It seems to the court that debtor was not

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Los Angeles  
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11:00 AM

**CONT...**

**Dale Alfred Williams**

**Chapter 11**

required to keep contemporaneous daily time reports or logs to substantiate his business activities to demonstrate material participation and may demonstrate it by reasonable means, such as business records and witness testimony showing his business activities to show material participation, which may include his management activities.

If counsel for both debtor and the government appear for the status conference, a date for a status conference can be set, so a trial schedule can be set, or if only counsel for debtor appears, then counsel for debtor can give notice of a status conference to set a trial schedule. The documentary evidence is probably voluminous, which may require a further pretrial conference to consider how to handle for trial.

To expedite a final determination, the court will issue a written decision on Phase I and will treat it as a tentative decision subject to final ruling after Phase II is completed. This means the parties can make further arguments on the Phase I rulings before a final ruling is made on the matter after Phase II. In this regard, it would be helpful for counsel for debtor to upload his Phase I proposed findings of fact and conclusions of law, which were filed, but not uploaded, so the court can review for possible adoption.

The court is of the view that since this is a tentative refund situation, the IRS properly assessed the tax without having to follow deficiency procedures, 26 U.S.C. §6213(b)(3). *Blansett v. United States*, 283 F.2d 474 (8<sup>th</sup> Cir. 1960), cited in 1 *Casey*, Federal Tax Practice, §6:21 (November 2018 update), also citing, *Rushlight Automatic Sprinkler Co. v. United States*, 294 F.2d 572 (9<sup>th</sup> Cir. 1961)(United States entitled to maintain action for recovery of erroneous refund without previous deficiency notice). Thus, the assessment is not late based on failure to comply with deficiency procedures. Under the traditional rule governing burden of proof of assessed taxes, the taxpayer bears the burden of proving the assessments are arbitrary or erroneous. E.g., *United States v. Molitor*, 337 F.2d 917 (9<sup>th</sup> Cir. 1964). (However, due to enactment of 26 U.S.C. §7491 in 1998, the burden of proof may be different where the

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11:00 AM

**CONT... Dale Alfred Williams**

**Chapter 11**

taxpayer produces credible evidence with respect to any factual issues relevant to ascertaining the liability of the taxpayer for any tax imposed under subtitle A or B of the Internal Revenue Code, including income taxes, but neither party addressed this statute in the proposed findings of fact and conclusions of law.)

If allowable, the tax claim would be entitled to priority status under 11 U.S.C. §507(a)(8)(A)(iii) as not assessed before, but assessable, under applicable law after the commencement of the case.

The court is also of the view that debtor has not met his burden of proving by a preponderance of the evidence that he timely made the election under 26 U.S.C. §469 and that the government does not have the burden of proving that he did not make a timely election based on lack of retention of the tax return which he alleged to have made the election.

However, the court is of the view that debtor could and did properly request the late entity aggregation election under Rev. Proc. 2011-34, which the IRS could and did exercise its discretion for tax years not in litigation (neither 2010 nor 1994 specifically was a tax year is in litigation referred by the IRS to the Justice Department) to grant the request and to notify that debtor as the taxpayer that the procedural requirements of Section 4.02 of the revenue procedure were met and that the taxpayer is to be treated as having made a timely election to treat all interests in rental real estate as a single rental real estate activity for which the late election back to 1994 was requested in the attachment to the amended 2010 return making the request. However, as specified in the section 5 of revenue procedure, such acceptance is not a determination of whether he is eligible to treatment based on the election, which presents factual issues for the tax years in litigation, and the government through the Justice Department can dispute debtor's eligibility for Rev. Proc. 2011-34 for the years in litigation referred to it, and whether debtor satisfied the requirements of 26 U.S.C. §469(c)(7)(B) or whether he materially participates in any activity. Rev. Proc. 2011-34, §5. The proposed findings of

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fact on both sides are not specific enough to completely address whether debtor has satisfied these requirements. See, e.g., Estate of Ramirez, T.C. Memo. 2018-196 (2018)(an example regarding specific facts measured against eligibility criteria of Section 4.01 of Rev. Proc. 2011-34 for aggregation treatment).

The court has jurisdiction to determine the tax under 11 U.S.C. §505 as set forth on the proof of claim, and in determining the amount, the court may determine whether or not debtor is eligible for treatment based on the late aggregation election under Rev. Proc. 2011-34, and the so-called "new" issues to determine the correct tax liability based on the amount of the correct tax refund amount. See Lewis v. Reynolds, 284 U.S. 281, 283 (1932).

Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the trial in of debtor's objection to the claim of the Internal Revenue Service. Otherwise, no tentative ruling on the merits. The court intends to continue the status

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conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/22/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 4/25/18 at 11:30 a.m. No appearances are required on 3/27/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 3/28/18 at 11:30 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/8/18. Off calendar. The court has reviewed debtor's status report, and in light of the pending decision on debtor's objection to the claim of the United States Internal Revenue Service now under submission, the court on its own motion continues the status conference to 2/28/18 at 11:30 a.m. No appearances are required on

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1/10/18.

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Prior tentative ruling as of 9/11/17. Off calendar. In light of the pending motion of the United States Trustee to dismiss or convert now set for hearing on 10/25/17 at 11:30 a.m., the court on its own motion continues the status conference to 10/25/17 at 11:30 a.m. No appearances are required on 9/13/17.

Prior tentative ruling as of 4/3/17. Off calendar. In light of the pendency of the litigation proceedings involving debtor's objection to the tax claims, the court on its own motion continues the status conference to 9/13/17 at 11:00 a.m. No appearances are required on 4/5/17.

Prior tentative ruling as of 12/12/16. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 12/14/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 6/15/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/14/16. The court has reviewed reorganized debtor's post-confirmation status report. No tentative ruling on the merits. Appearances are required on 3/16/16 to discuss scheduling of next status conference and other further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/16/15, but counsel may appear by telephone.

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CONT... Dale Alfred Williams

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Prior tentative ruling as of 3/9/15. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of litigation disputes of debtor's objection to the IRS claim and creditor Rory Williams's motion to file late-filed claim. Appearances are required on 3/11/15 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 12/2/14. The court has reviewed debtor's post-confirmation status report. No tentative ruling on the merits, but it appears that consummation of the plan will be deferred until resolution of debtor's objection to the IRS claim. Appearances are required on 12/3/14 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 8/25/14. Appearances are required on 8/27/14 to schedule a post-confirmation status conference, but counsel may appear by telephone.

Prior tentative ruling. The court continues on its own motion the status conference to 8/27/14 at 11:00 a.m. at which time the court will set a post-confirmation status conference in November 2014 since a post-confirmation status conference was not set at the confirmation hearing on 7/24/14. No appearances are required on 8/21/14

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue

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**CONT...**

**Dale Alfred Williams**

William N. Lobel  
Rika Kido  
Leonard M Shulman

**Chapter 11**



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11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#2.00** Hearing re: Order setting lodged order granting professional compensation

Docket 132

**Tentative Ruling:**

No tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Pro Se

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11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#3.00** Hearing re: Motion to allow late-filed creditor's proof of claim

Docket 252

**Tentative Ruling:**

Grant creditor's motion to allow late filed proof of claim for the reasons stated in the moving papers and for lack of timely written opposition (debtor filed a statement of non-opposition). Appearances are optional on 4/17/19, but counsel may appear by telephone. Creditor to lodge a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

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11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#4.00** Hearing re: Confirmation of plan  
fr. 1/30/19, 2/27/19, 3/6/19

Docket 82

**Tentative Ruling:**

No tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

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**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#5.00** Hearing re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1

Docket 115

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m.  
per stip & order entered on 4/9/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/1/19 at 11:00 a.m. No appearances are required on 4/17/19.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**Movant(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

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**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 1/30/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/18. No tentative ruling on the merits.  
Appearances are required on 12/12/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/29/18. No tentative ruling on the merits.  
Appearances are required on 10/31/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

No updated tentative ruling as of 8/20/18. Appearances are required on  
8/22/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
claims bar date should be at least 60 days from the date of notice of bar date  
to creditors, so 6/1/18 is not appropriate. Otherwise, no tentative ruling on the

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**CONT... Raesi Group, Inc**

**Chapter 11**

merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

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11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#7.00** Hearing re: Application for payment of interim fees and/or expenses for The Orantes Law Firm, PC., Attorney for debtor and debtor in possession (11 U.S.C. §331)

Docket 72

**Tentative Ruling:**

Revised tentative ruling as of 4/16/19. Approve interim fee application of general bankruptcy counsel for debtor in possession for the reasons stated in the application and for lack of timely written objection. Appearances are optional on 4/17/19, but counsel may appear by telephone. Counsel to submit a proposed order within 7 days of hearing.

Prior tentative ruling. The application is deficient because: (1) there is no separately filed declaration from the client that he reviewed the fee application and has no objection to it as required by LBR 2016-1(a)(1)(J); and (2) the counsel declaration in support of the application lacks the date of execution pursuant to 28 U.S.C. 1746(2). Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**Movant(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Giovanni Orantes  
Giovanni Orantes  
Luis A Solorzano  
Luis A Solorzano  
Luis A Solorzano

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**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#8.00** Cont'd hearing re: Disclosure statement  
fr. 1/16/19, 3/13/19

Docket 58

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by telephone.

Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other



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expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

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**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/19/18, 1/16/19, 3/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

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**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19, 1/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 4/30/19 at 2:30 p.m.  
per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

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**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#11.00** Hearing re: Motion for order approving disclosure statement describing Chapter 11 plan of reorganization proposed by debtors

Docket 42

**Tentative Ruling:**

No tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

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**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#12.00** Cont'd hearing re: Motion for relief from stay  
(Michael Cassell VS Debtors)  
fr. 4/2/19

Docket 39

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. Sustain movant's objection to declaration of Roslyn Soudry. Overrule debtors' motion to strike declaration of Ami Meyers, and over debtors' objections to the declaration because declarant is simply submitting copies of pleadings in related state court action. Grant motion for relief from stay under 11 U.S.C. 362(d)(1) to allow litigation in nonbankruptcy forum to proceed to judgment, but no enforcement of any judgment without further leave of court, based on permissive abstention factors set forth in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9th Cir. 1990) as stated in movant's reply to debtors' opposition. The court makes no finding as to whether the case was filed in bad faith. Deny request for extraordinary relief that stay relief order is binding and effective in any bankruptcy case commenced by Debtor for 180 days as not warranted. *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Deny request for waiver of 14 day stay of enforcement under FRBP 4001(a)(3) in event that debtors may take an appeal of stay relief order. Appearances are required on 4/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By

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**Robert David Katz and Roslyn Soudry Katz**

Victor A Sahn

Steven Werth

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**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

#13.00 Hearing re: Application to employ Stapke Law LLP as Special Litigation Counsel

Docket 48

**Tentative Ruling:**

No tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Movant(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Victor A Sahn  
Victor A Sahn  
Steven Werth

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**CONT...**

**Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

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**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#14.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#14.01** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case fr. 2/6/19, 2/7/19, 4/10/19

Docket 479

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m.  
per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued on the court's own motion to 5/1/19 at 11:00 a.m. because the court is still deliberating on creditor Zehnal's motion for reconsideration, which has an impact of other pending matters in this case. No appearances are required on 4/17/19.

Prior tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnal set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehal motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Updated tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the

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**CONT... Sarkis Investments Company, LLC Chapter 11**

hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. Appearances are required on 3/22/17.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. The court has concerns regarding the propriety of a "structured" dismissal (called "conditional" dismissal in the moving papers), i.e., whether the record is sufficient to warrant deviation from the normal procedures expressly provided in the Bankruptcy Code, i.e., a liquidating plan, case conversion or straight dismissal without conditions, or whether more broadly, whether structured dismissals are permitted at all, which may be at issue before the Supreme Court in *In re Jevic Holding Corp.*, 787 F.3d 173 (3rd Cir. 2015), cert. granted, *Czyzewski v. Jevic Holding Corp.* 136 S.Ct. 2541 (2016). See also, Transcript of Oral Argument, *Czyzewski v. Jevic Holding Corp.*, No. 15-649 (S.Ct., argued December 7, 2016); see also, e.g., Salerno, Hansen, Meyer,

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Schuster and Barsharis, Advanced Chapter 11 Bankruptcy Practice, Section 12.22 (2nd ed. online, 2016 Cum. Supp.); Greenberg, Smith and Taylor, "The Elephant Hiding in the Mousehole": In re Jevic, 2016 No. 10 Norton Bankr. L. Adviser NL 1 (online ed., October 2016); Pernick and Dean, "Structured Chapter 11 Dismissals: A Viable and Growing Alternative After Asset Sales," 29 Am. Bankr. Inst. J. 1 (June 2010); Eitel, Tinker and Lambert, "Structured Dismissals, or Cases Dismissed Outside of Code's Structure?", 30 Am. Bankr. Inst. J. 20 (March 2011). Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

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Central District of California  
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11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

**#14.02** CONT'D EVIDENTIARY HEARING RE: Motion for reconsideration of order disallowing creditor Ghazar Zehnaly's proof of claim 7-1 fr. 12/19/18, 2/7/19, 4/10/19

Docket 589

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m. per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued on the court's own motion to 5/1/19 at 11:00 a.m. because the court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case. No appearances are required on 4/17/19.

Prior tentative ruling as of 2/4/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 2/7/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing to examine movant regarding whether he has a reasonable explanation for why he did not file his motion earlier. The court does not have time on its law and motion calendar on 12/19/18 to take movant's testimony and will set a hearing to take his testimony, which the court expects will take about an hour. Appearances are required on 12/19/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#14.03** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr. 2/6/19, 2/7/19, 4/10/19

Docket 482

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m. per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued on the court's own motion to 5/1/19 at 11:00 a.m. because the court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case. No appearances are required on 4/17/19.

Prior tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnaly set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehaly motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. The court is still deliberating after trial and does not expect a decision by 12/31/18, most likely, January 2019. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court continues the hearing on its own motion to 10/3/18 at 11:00 a.m. No appearances are required on 8/1/18.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its



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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

review of the fee application. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. Updated tentative ruling as of 5/11/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Ashley McDow. Appearances are required on 5/12/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits. The court will continue to take oral testimony from witness Marc Benezra. Appearances are required on 5/3/17 also to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/13/16.

**Party Information**

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#14.04** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 2/6/19, 2/7/19, 4/10/19

Docket 157

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m.  
per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued on the court's own motion to 5/1/19 at 11:00 a.m. because the court is still deliberating on creditor Zehnal's motion for reconsideration, which has an impact of other pending matters in this case. No appearances are required on 4/17/19.

Prior tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnal set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehal motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are optional on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. No appearances are required on 1/24/18.

Updated tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. No appearances are

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required on 12/20/17.

**Chapter 11**

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the hearing on its own motion to 12/13/17 at 11:00 a.m. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court continues the hearing on its own motion to 10/25/17 at 1:30 p.m. No appearances are required on 8/30/17.

Prior tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

Prior tentative ruling. No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC Chapter 11**

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits.  
Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. No tentative ruling on the merits.  
Appearances are required on 5/4/16, but counsel may appear by telephone.

Updated tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

No updated tentative ruling as of 1/25/16. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits.  
Appearances are required on 4/1/15, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/15/14. Appearances are required on 4/16/14, but counsel may appear by telephone.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement and plan. Debtor has indicated that it intends to revise the disclosure statement to address objections of United States Trustee.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney

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**CONT... Sarkis Investments Company, LLC**

Fahim Farivar

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**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#14.05** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 2/7/19, 4/10/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/17/19 to 5/1/19 at 11:00 a.m.  
per order entered on 4/15/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Off calendar. Continued on the court's own motion to 5/1/19 at 11:00 a.m. because the court is still deliberating on creditor Zehnal's motion for reconsideration, which has an impact of other pending matters in this case. No appearances are required on 4/17/19.

Prior tentative ruling as of 2/4/19. Off calendar. The court on its own motion continues the hearing to 2/7/19 at 11:00 a.m. because the case must remain active on the docket in light of the pendency of the contested matter of the motion for reconsideration of the court's order disallowing the claim of creditor Zehnal set for an evidentiary hearing on 2/7/19. This matter will be heard one hour after the evidentiary hearing on the Zehal motion begins, at which time the court will be able to better assess how long that matter will take to resolve. No appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 11/6/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. The court expects to issue its ruling by 12/31/18. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 12/5/18 at 11:00 a.m. Appearances are required on 11/7/18 because creditor Zehnaly appeared at the last status conference and may appear to be heard on his claim, but counsel may appear by telephone.

Updated tentative ruling as of 10/1/18. The court is still deliberating on the contested matter of the objection to the final fee application of counsel for debtor. Otherwise, no tentative ruling on the merits. The court intends to continue the status conference to 11/7/18 at 11:00 a.m. Appearances are optional on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. Off calendar. The court continues the hearing on its own motion to 5/29/18 at 11:00 a.m. No appearances are required on 4/25/18.

Prior tentative ruling as of 3/26/18. Off calendar. The court continues the hearing on its own motion to 4/25/18 at 11:00 a.m. No appearances are required on 3/28/18.

Prior tentative ruling as of 2/26/18. Off calendar. The court continues the hearing on its own motion to 3/28/18 at 11:00 a.m. No appearances are required on 2/28/18.

Prior tentative ruling as of 1/22/18. Off calendar. The court continues the hearing on its own motion to 2/28/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 1/24/18.

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Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 17, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

Prior tentative ruling as of 12/18/17. Off calendar. The court continues the hearing on its own motion to 1/24/18 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/20/17.

Prior tentative ruling as of 12/11/17. Off calendar. The court continues the hearing on its own motion to 12/20/17 at 11:00 a.m. The court is continuing its review of the fee application of general bankruptcy counsel for debtor in possession. No appearances are required on 12/13/17.

Prior tentative ruling as of 10/23/17. Off calendar. The court continues the status conference on its own motion to 12/13/17 at 11:00 a.m. and dispenses with the requirement of a written status report for the status conference on 12/13/17. No appearances are required on 10/25/17.

Prior tentative ruling as of 8/28/17. Off calendar. The court has reviewed debtor's status report. In that the court is still deliberating on the final fee application of general bankruptcy counsel for debtor, the court continues the status conference on its own motion to 10/25/17 at 1:30 p.m. and dispenses with the requirement of a written status report for the status conference on 10/25/17. No appearances are required on 8/30/17.

Updated tentative ruling as of 6/14/17. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/17. Appearances are required on 5/12/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/1/17. Appearances are required on 5/3/17, but counsel may appear by telephone.

Updated tentative ruling as of 3/20/17. No tentative ruling on the merits. Appearances are required on 3/22/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/6/17. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

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**CONT... Sarkis Investments Company, LLC Chapter 11**

Prior tentative ruling as of 12/12/16. Off calendar. Continued on the court's own motion to 1/11/17 at 11:00 a.m. No appearances are required on 12/14/16.

Prior tentative ruling as of 10/17/16. No tentative ruling on the merits. Appearances are required on 10/19/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/19/16. No tentative ruling on the merits. Appearances are required on 9/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 6/13/16. No tentative ruling on the merits. Appearances are required on 6/15/16, but counsel may appear by telephone.

Prior tentative ruling as of 5/2/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/11/16. Off calendar. The court has reviewed debtor's status report requesting that the hearing be continued to 5/4/16 at 11:00 a.m. to be heard with the continued hearing on debtor's objection to the claim of creditor Zehnaly. The court on its own motion grants this request and continues the hearing to 5/4/16 at 11:00 a.m. No appearances are required on 4/13/16.

Prior tentative ruling as of 1/25/16. The court has reviewed debtor's status report. Appearances are required on 1/27/16, but counsel may appear by telephone.

Prior tentative ruling as of 10/26/15. No tentative ruling on the merits. Appearances are required on 10/28/15, but counsel may appear by telephone.

No updated tentative ruling as of 8/17/15. Appearances are required on 8/18/15, but counsel may appear by telephone.

Updated tentative ruling as of 8/10/15. Off calendar. Continued by stipulation

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**CONT... Sarkis Investments Company, LLC Chapter 11**

and order to 8/18/15 at 2:30 p.m. No appearances are required on 8/11/15.

No updated tentative ruling as of 5/4/15. Appearances are required on 5/6/15, but counsel may appear by telephone.

No updated tentative ruling as of 4/13/15. Appearances are required on 4/15/15, but counsel may appear by telephone.

Updated tentative ruling as of 3/31/15. Off calendar. Continued by stipulation and order to 4/15/15 at 11:00 a.m. No appearances are required on 4/1/15.

Prior tentative ruling as of 3/30/15. No tentative ruling on the merits. Appearances are required on 4/1/15, but counsel may appear by telephone.

Prior tentative ruling as of 1/26/15. Off calendar. Continued by stipulation and order to 4/1/15 at 11:00 a.m. No appearances are required on 1/27/15.

Prior tentative ruling as of 11/3/14. Appearances are required on 11/5/14, but counsel may appear by telephone.

No updated tentative ruling as of 9/22/14. Appearances are required on 9/24/14, but counsel may appear by telephone.

No updated tentative ruling as of 8/19/14. Appearances are required on 8/20/14, but counsel may appear by telephone.

No updated tentative ruling as of 6/24/14. Appearances are required on 6/25/14, but counsel may appear by telephone.

Prior tentative ruling as of 5/5/14. Appearances are required on 5/7/14, but counsel may appear by telephone.

No updated tentative ruling as of 4/15/14. Appearances are required on 4/16/14.

Prior tentative ruling as of 4/7/14. No tentative ruling on the merits. Appearances are required on 4/9/14 to discuss debtor's disclosure statement

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**CONT...**      **Sarkis Investments Company, LLC**  
and plan.

**Chapter 11**

Prior tentative ruling as of 3/10/14. No tentative ruling on the merits.  
Appearances are required on 3/12/14, but counsel may appear by telephone.

Updated tentative ruling as of 2/24/14. No tentative ruling on the merits.  
Appearances are required on 2/5/13, but counsel may appear by telephone.

Prior tentative ruling as of 2/3/14. The court has reviewed debtor's status  
report and the comments of the secured creditor on status. No tentative  
ruling. Appearances are required on 2/5/13, but counsel may appear by  
telephone.

Prior tentative ruling as of 11/19/13. The court has reviewed debtor's status  
report. No tentative ruling. Appearances are required on 11/20/13, but  
counsel may appear by telephone.

Prior tentative ruling as of 10/7/13. No tentative ruling on the merits.  
Appearances are required on 10/9/13.

Updated tentative ruling as of 9/18/13. Off calendar. Continued at hearing on  
9/17/13 to 10/9/13 at 11:30 a.m. No appearances required on 9/18/13.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 9/18/13, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#14.06** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 3/27/19, 4/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Revised tentative ruling as of 10/23/18. Off calendar. Continued by  
stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required  
on 10/24/18.

Prior tentative ruling as of 6/25/18. Off calendar. Continued by stipulation  
and order to 8/8/18 at 11:00 a.m. No appearances are required on 6/27/18.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/22/18. No tentative ruling on the merits.  
Appearances are required on 1/24/18, but counsel may appear by telephone.

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**CONT... Shapphire Resources, LLC**

**Chapter 11**

Prior tentative ruling as of 10/23/17. No tentative ruling on the merits. Appearances are required on 10/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/14/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver



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**Wednesday, April 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#14.07** Cont'd hearing re: Motion for order: (1) approving disclosure statement; (2) approving notice procedures; (3) establishing confirmation procedures and deadlines; and (4) establishing certain bar dates  
fr. 4/10/19

Docket 72

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. The court has concerns regarding the adequacy of the information in the disclosure statement regarding bargain sales of debtor's accounts receivable and vehicle to its insider. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

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11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#14.08** Cont'd status conference re: Management of chapter 11 case  
fr. 11/14/18, 2/27/19, 4/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
9/19/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report.  
Regarding debtor's proposed claims bar dates, the court requires at least 60  
days notice to nongovernmental creditors, and debtor's proposed bar date for  
governmental creditors of 7/30/18 is inconsistent with 11 U.S.C. 502(b)(9)  
providing that claims of governmental units are timely if filed before 180 days  
after the order for relief. Otherwise, no tentative ruling on the merits.  
Appearances are required on 5/16/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By

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**CONT... The 17/21 Group, LLC**

Brett Ramsaur

**Chapter 11**

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**Wednesday, April 17, 2019**

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11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.09** Cont'd hearing re: Disclosure statement  
fr. 1/30/19, 2/27/19, 4/10/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.  
Continued on the court's own motion by separate order to 11/29/18 at 1:30

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**CONT... Curtis C. Magleby**

**Chapter 11**

p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors

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**CONT... Curtis C. Magleby**

**Chapter 11**

and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.10** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 3/6/19, 3/13/19, 4/10/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in

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**CONT... Curtis C. Magleby**

**Chapter 11**

this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.



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**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.11** Cont'd status conference re: Various matters including sale of debtor's residence and creditor Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i) fr. 4/10/19

Docket 656

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.12** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 1/30/19, 2/27/19, 4/10/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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**CONT... Curtis C. Magleby**

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11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#14.13** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA  
Accountancy, LLP  
fr. 1/30/19, 2/27/19, 4/10/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 17, 2019**

**Hearing Room 1675**

11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

- #14.14** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 1/30/19, 2/27/19, 4/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.  
Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion of debtors and debtors in possession for order authorizing debtors to maintain three bank accounts fr. 2/27/19

Docket 21

**Tentative Ruling:**

Updated tentative ruling as of 4/16/19. Motion was resolved by stipulation and order entered on 4/11/19. Appearances are optional on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, April 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-13265 Patricia Benites Flores**

**Chapter 7**

**#16.00** Hearing re: Motion for relief from stay  
(Pedro Ibarra VS Debtor)

Docket 8

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 4/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Patricia Benites Flores

Represented By  
Lisa F Collins-Williams

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#1.00** Hearing re: Emergency motion to confirm sale of estate real property, in addition to motion for additional relief

Docket 689

**Tentative Ruling:**

It would be helpful if Debtor and Mrs. Magleby and their counsel appeared in person, so the court can discuss the matters raised by the motion with them. Appearances are required on 4/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#2.00** Cont'd status conference re: Various matters including sale of debtor's residence and creditor Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i) fr. 4/10/19, 4/17/19

Docket 656

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#3.00** Cont'd hearing re: Disclosure statement  
fr. 2/27/19, 4/10/19, 4/17/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own  
motion continues the hearing in light of the pending motion of counsel for  
creditor Cindy Magleby to withdraw and of the need for the assigned judge to  
recover from recently scheduled but urgent dental surgery scheduled for  
12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status  
conference to discuss the impact of the pending motion of counsel for creditor  
to withdraw and for rescheduling. No appearances are required on 12/13/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including

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Los Angeles  
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**CONT... Curtis C. Magleby**

**Chapter 11**

adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#4.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 3/13/19, 4/10/19, 4/17/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters



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Los Angeles  
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**CONT... Curtis C. Magleby**

**Chapter 11**

expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits.  
Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
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**CONT... Curtis C. Magleby**

**Chapter 11**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 23, 2019**

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#5.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 2/27/19, 4/10/19, 4/17/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

**Party Information**

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**Hearing Room 1675**

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**CONT... Curtis C. Magleby**

**Chapter 11**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#6.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA  
Accountancy, LLP  
fr. 2/27/19, 4/10/19, 4/17/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

**#7.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 2/27/19, 4/10/19, 4/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to

**United States Bankruptcy Court  
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Los Angeles  
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**CONT...**

**Curtis C. Magleby**

**Chapter 11**

recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 23, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(Financial Services Vehicle Trust VS Debtor)  
fr. 3/26/19, 4/2/19

Docket 131

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/7/19 at 2:00 p.m.  
per hearing held on 4/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. Continued to 5/7/19 at 2:00 p.m. by oral ruling at hearing on 4/10/19. No appearances are required on 4/30/19.

Prior tentative ruling as of 4/1/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19 at 3:30 p.m. Off calendar. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

Prior tentative ruling as of 3/25/19 at 1:00 p.m. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Ben B. Safyari**

**Chapter 11**

hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#2.00** Hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)

Docket 142

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/7/19 at 2:00 p.m.  
per hearing held on 4/10/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 5/7/19 at 2:00 p.m. by oral ruling at hearing on 4/10/19. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-24600 Jesus Sequeira**

**Chapter 7**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing VS Debtor)  
fr. 4/2/19

Docket 11

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Movant and debtor filed a stipulation resolving the dispute as to them and a proposed order. Trustee filed a no asset report, but the property remains property of the estate because a no asset report does not effect an abandonment, and stay relief is still needed. In re Reed, 940 F.2d 1317 (9th Cir. 1991). Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. Continued by stipulation and order to 4/30/19 at 10:30 a.m. No appearances are required on 4/2/19.

**Party Information**

**Debtor(s):**

Jesus Sequeira

Represented By  
Daniel King

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Jesus Sequeira**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10716 Eun Hee Kim**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(BMS Investments VS Debtor)

Docket 14

**Tentative Ruling:**

Deny motion for stay relief under 11 U.S.C. 362(d)(1) and (2) as moot because the case was dismissed on 3/28/19. 11 U.S.C. 362(c)(1) and (2). Deny requests for extraordinary relief in paragraphs 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are optional on 4/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Eun Hee Kim

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11486 Jose Rolando Delgado**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Federal Home Loan Mortgage Corporation VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose Rolando Delgado

Represented By  
Francis Guilardi

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12392 Sandra G Luna-Rosales**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Nissan Motor Acceptance Corporation VS Debtor)

Docket 9

**Tentative Ruling:**

The moving papers are procedurally deficient because Debtor's mailing address on the proof of service is incorrect, missing a digit in the street number ("1778" is not "11778"). The moving papers will need to be reserved on Debtor. Appearances are required on 4/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sandra G Luna-Rosales

Represented By  
Michael H Colmenares

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12648 Doly C Arredondo-Barrera**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Doly C Arredondo-Barrera

Represented By  
Michael H Colmenares

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13180 Priscilla Michelle Garcia**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Sylvia Mulholland VS Debtor)

Docket 16

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                           |        |
|---------------------------|--------|
| Priscilla Michelle Garcia | Pro Se |
|---------------------------|--------|

**Trustee(s):**

|                         |        |
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| Howard M Ehrenberg (TR) | Pro Se |
|-------------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:14-15089 Eduardo Jose Salazar**

**Chapter 7**

**#9.00** Cont'd hearing re: Motion to avoid lien real property with LVNV Funding LLC  
fr. 3/5/19

Docket 18

**Tentative Ruling:**

No updated tentative ruling as of 4/29/19. Appearances are required on 4/30/19.

No tentative ruling as of 3/4/19. Appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Eduardo Jose Salazar

Represented By  
Michael H Colmenares

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:14-15089 Eduardo Jose Salazar**

**Chapter 7**

**#10.00** Cont'd hearing re: Motion to avoid lien real property with State Farm Mutual Insurance Company  
fr. 3/5/19

Docket 19

**Tentative Ruling:**

No updated tentative ruling as of 4/29/19. Appearances are required on 4/30/19.

No tentative ruling as of 3/4/19. Appearances are required on 3/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Eduardo Jose Salazar

Represented By  
Michael H Colmenares

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#11.00** Cont'd hearing re: Motion for relief from stay  
(Bank of America, N.A. VS Debtor)  
fr. 4/2/19

Docket 402

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on  
4/5/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. Matter dismissed by stipulation and order entered on 4/5/19. No appearances are required on 4/30/19.

Prior tentative ruling as of 4/1/19. Contrary to debtor's assertions, it appears that movant has standing as the original lender as the beneficiary of the note and trust deed and the sworn representation of the declarant that movant holds the original note. However, the moving papers contain an inconsistent statement that movant is only the servicer. Movant should explain this apparent inconsistency.

Movant has shown one element of a claim under 11 U.S.C. 362(d)(4) that the original borrower made an unconsented to transfer of the real property. However, movant's evidence of multiple bankruptcy filings is insufficient since the moving papers do not show how the multiple filings of debtor's managing members affect the subject real property since there was only one unconsented to transfer to debtor, and not to the managing member or other parties.

Movant has not made a prima facie showing that the filing of the debtor's petition is part of a scheme to hinder, delay or defraud since there is no loan balance information in the moving papers. Normally, a secured creditor shows that there is a scheme to hinder, delay or defraud its collection efforts by showing loan arrearages which are not shown here, which would support a finding of hindering, delay or defraud. Movant has not otherwise shown that the case was filed in bad faith with admissible evidence.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

Deny without prejudice, or allow movant to amend by submitting evidence that the loan is not being paid and that the automatic stay from the debtor's case based on the unconsented to transfer hinders, delays or defrauds it in its efforts to collect the loan.

Appearances are required on 4/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#12.00** Cont'd hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB VS Debtor)  
fr. 3/26/19, 4/2/19

Docket 398

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving and reply papers, that is, as the holder of the note and assignee of the trust deed, movant has a colorable claim to enforce its rights against property of the estate, and there was an unconsented to transfer in the property without the lender's consent, and the filing of the petition is a part of scheme to hinder, delay or defraud the lender since the loan payments have not been made for over three years (40 months) and are still not being made during this bankruptcy case. Deny the requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). No tentative ruling on the request to waive the 14-day waiting period under FRBP 4001(a)(3).

The court does not make a finding of bad faith as to debtor. See *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

tentative ruling as of 4/1/19. Movant has shown one element of a claim under 11 U.S.C. 362(d)(4) that the original borrower made an unconsented to transfer of the real property. Movant has not made a prima facie showing of the second element of a claim under 11 U.S.C. 362(d)(4) that the filing of the debtor's petition is part of a scheme to hinder, delay or defraud since there is no loan balance information in the moving papers. Normally, a secured creditor shows that there is a scheme to hinder, delay or defraud its collection efforts by showing loan arrearages which are not shown here, which would support a finding of hindering, delay or defraud. Movant has not otherwise shown that the case was filed in bad faith with admissible evidence, and the "smell" test is not a substitute for admissible evidence in this court. The moving papers contain numerous typographical or spelling errors, and counsel for movant is admonished to proofread work before submission to the court.

Movant failed to serve the original borrower with the moving papers, which the court requires where the claim is for relief under 11 U.S.C. 362(d)(4) as a matter of procedural due process. In re Dorsey, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Deny without prejudice, or allow movant to amend by submitting evidence that the loan is not being paid and that the automatic stay from the debtor's case based on the unconsented to transfer hinders, delays or defrauds it in its efforts to collect the loan.

Deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#13.00** Hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris

Docket 377

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#14.00** Hearing re: Plaintiff/creditor, James Lee /clark's notice of motion to compel inspection and to produce documents and response from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions

Docket 390

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#15.00** Cont'd hearing re: Plaintiff/creditor James Lee Clark's motion for an order for sanctions including terminating sanctions against defendant/debtor Rita Ellison-Farris fr. 10/3/18, 11/30/18, 2/21/19

Docket 362

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#16.00** Cont'd hearing re: Motion of plaintiff/creditor James Lee Clark for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris fr. 8/8/18, 11/30/18, 2/21/19

Docket 351

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#17.00** Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note fr. 1/15/19

Docket 399

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#18.00** Cont'd hearing re: Motion to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions fr. 12/18/18

Docket 397

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#19.00** Hearing re: Motion to abstain

Docket 414

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#20.00** Cont'd hearing re: Motion to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions fr. 2/21/19

Docket 412

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#21.00** Cont'd status conference re: Complaint: 1) objecting to discharge  
2) breach of contract 3) breach of implied covenant of good faith  
and fair dealing 4) conversion 5) negligence 6) breach of fiduciary duty  
7) constructive fraud 8) fraudulent concealment 9) wrongful foreclosure  
10) interference with prospective economic advantage  
fr. 8/8/18, 11/30/18, 2/21/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation  
and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Attorney(s):**

Deborah Bronner

Represented By  
Deborah R Bronner

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

**Mediator(s):**

David A. Gill

Pro Se

**Plaintiff(s):**

James Lee Clark

Represented By  
Justin D Graham

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

Sam S Leslie (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:14-01088 Clark v. Farris-Ellison

**#22.00** Cont'd status conference re: Creditor, James Lee Clark's complaint to determine nondischargeability of debtors/defendant's debt [Pursuant to 11 U.S.C. §523(a)(2); 11 U.S.C. §523(a)(6)] fr. 10/3/18, 11/30/18, 2/21/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

Sam S Leslie (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#23.00** Order to show cause why this adversary proceeding should not be dismissed for lack of prosecution and defendant's motion to dismiss should not be granted for failure of plaintiff Gary Salzman to appear at the status conference and continued hearing on defendant's motion to dismiss on March 12, 2019

Docket 107

**Tentative Ruling:**

No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By

Ilyse Klavir

Gary E Moll - INACTIVE -

**Defendant(s):**

Gary E Moll

Represented By

Gary E Moll - INACTIVE -

Gary E Moll and Associates

Represented By

Gary E Moll - INACTIVE -

Lisa Watson

Represented By

Adrienne K Miller

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#24.00** Cont'd hearing re: Motion to dismiss  
fr. 9/11/18, 10/9/18, 3/12/19

Docket 23

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. As stated in the prior tentative ruling as of 3/11/19, defendant's motion to dismiss should be converted to one for summary judgment with defendant as the moving party needing to file a statement of uncontroverted facts and conclusions of law and plaintiff as the opposing party needing to file a statement of genuine issues. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. Defendant filed a notice that the state appellate court issued its opinion on plaintiff's appeal in the state court action, but did not attach a copy of the opinion. Based on defendant's motion to dismiss plaintiff's first amended complaint (docket number 23) as supplemented in further pleadings (docket numbers 28, 88 and 90), it appears that the motion to dismiss should be converted to a motion for summary judgment since defendant's pleadings refer to matters outside the pleadings in order to argue that the first amended complaint should be dismissed with prejudice on grounds of res judicata. Federal Rule of Bankruptcy Procedure 7012, incorporating by reference, Federal Rule of Civil Procedure 12(d). As such, the court should order defendant as the moving party to file a statement of uncontroverted facts and conclusions of law under Local Bankruptcy Rule 7056-1(b)(2) and plaintiff as the responding party a statement of genuine issues and conclusions of law under Local Bankruptcy Rule 7056-1(c)(2), so that there are coherent reasons based on the record for the court's ultimate ruling on the motion. Moreover, it is unclear that the state court judgment as upheld by the state appellate court is final for res judicata purposes since it is unclear if the time for further appellate review by the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT...**

**Gary Moll**

**Chapter 7**

California Supreme Court has expired. See *Pellissier v. Title Guarantee & Trust Co.*, 208 Cal. 172, 184 (1929). Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The hearing is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 6/12/17. No tentative ruling on the merits. Appearances are required on 6/13/17, but counsel may appear by telephone.

Updated tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Hearing Room 1675**

1:30 PM

**CONT...**

**Gary Moll**

**Chapter 7**

should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation and the court would stay the proceedings in this court until the state court litigation is completed, the court would deny the motion without prejudice. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

No tentative ruling as of 8/8/16. Appearances are required on 8/9/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir  
Gary E Moll

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir  
Gary E Moll

Gary E Moll and Associates

Represented By  
Ilyse Klavir  
Gary E Moll

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#25.00** Cont'd status conference re: Complaint for dischargeability 11 U.S.C. §523(a)(2), false pretenses, false representation, actual fraud and dischargeability; 11 U.S.C. §523(a)(6), willful and malicious injury; verification fr. 9/11/18, 10/9/18, 3/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The status conference is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel and self-represented

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation, and the court would stay the proceedings in this court until the state court litigation is completed. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, April 30, 2019

Hearing Room 1675

1:30 PM

CONT...

**Gary Moll**

**Chapter 7**

parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits. Appearances are required on 8/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. Off calendar. The court noting that defendant has noticed a hearing on his motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m., the court continues on its own motion the status conference on 7/19/16 at 1:30 p.m. to the date and time of the hearing on defendant's motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m. No appearances are required on 7/19/16.

Prior tentative ruling. The status conference will be heard at 3:00 p.m. with the hearing on defendant's motion to dismiss. Appearances are required on 3:00 p.m. calendar, not the 1:30 p.m. calendar. No tentative ruling on the merits for the status conference.

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| <b>Party Information</b> |
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**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir

Gary E Moll and Associates

Represented By  
Ilyse Klavir

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**      **Gary Moll**  
Howard M Ehrenberg (TR)

Pro Se

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#26.00** Cont'd hearing re: Second (revised) and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses fr. 12/11/18, 2/26/19

Docket 617

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/26/19 to discuss status of matter, including mediation proceedings, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Appearances are required on 12/11/18 to discuss scheduling and the parties' discovery and other pretrial needs, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

Adv#: 2:19-01032 Tilem v. Kudrave

**#27.00** Cont'd status conference re: Complaint to vacate order of confirmation as having been procured through fraud (11 U.S.C. §1144) fr. 4/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/1/19. The parties attended mediation and placed a settlement agreement on the record on 3/21/19, and documentation of the settlement is pending. Appearances are optional on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
|------------------|--------|

**Defendant(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
|------------------|--------|

**Plaintiff(s):**

|               |                                 |
|---------------|---------------------------------|
| David A Tilem | Represented By<br>David A Tilem |
|---------------|---------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#28.00** Cont'd status conference re: Motion for issuance of order directing Nobel Textile, Inc. and its counsel, Nico Tabibi of Law Offices of Nico N. Tabibi, APC, to show cause why they should not be held in civil contempt for willful violation of the automatic stay fr. 12/18/18, 2/5/19

Docket 47

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling. There is no proof of service that debtor served respondent and its counsel as ordered by the court in the order to show cause, and therefore, the court will continue the hearing so debtor can make such service (despite BNC notice). Otherwise, no tentative ruling on the merits. Appearances are required on 12/18/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16596 Nicholas Fernando Griego**

**Chapter 7**

Adv#: 2:18-01284 Fidelity National Title Insurance Company v. Griego

**#29.00** Cont'd status conference re: Complaint to determine dischargeability of debt under 11 U.S.C. §523 fr. 11/13/18, 1/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 1/29/19 at 1:30 p.m. to allow time for plaintiff to file its motion for default judgment. No appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                          |        |
|--------------------------|--------|
| Nicholas Fernando Griego | Pro Se |
|--------------------------|--------|

**Defendant(s):**

|                          |        |
|--------------------------|--------|
| Nicholas Fernando Griego | Pro Se |
|--------------------------|--------|

**Plaintiff(s):**

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| Fidelity National Title Insurance | Represented By<br>Karen A Ragland |
|-----------------------------------|-----------------------------------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23326 Alfred Lee Stringer**

**Chapter 7**

Adv#: 2:19-01053 Lee et al v. Stringer

**#30.00** Status conference re: Adversary complaint for determination of dischargeability and objection to debtor's discharge pursuant to 11 U.S.C. §§ 523(a)(2)(A) and 523(a)(6), for attorney's fees and costs

Docket 1

**Tentative Ruling:**

No tentative ruling on the merits. Appearances are required on 4/30/19 to address why monetary sanctions of \$100 should not be imposed each on counsel for plaintiffs and defendant who is self-represented for failure to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference filed and entered on 2/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Defendant(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Plaintiff(s):**

|              |                                       |
|--------------|---------------------------------------|
| Mylaunna Lee | Represented By<br>Albert L Chaney III |
|--------------|---------------------------------------|

|                   |                                       |
|-------------------|---------------------------------------|
| Sharlet Marie Lee | Represented By<br>Albert L Chaney III |
|-------------------|---------------------------------------|

**Trustee(s):**

|                    |        |
|--------------------|--------|
| Elissa Miller (TR) | Pro Se |
|--------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-13181 Serapio Venegas**

**Chapter 7**

**#31.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

No tentative ruling as of 4/29/19. The court has reviewed petitioning creditor's unilateral status report. Appearances are required on 4/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Serapio Venegas

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#32.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 4/10/18, 10/16/18, 2/5/19

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/28/19 at 2:00 p.m.  
per order entered on 4/9/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 5/28/19 at 2:00 p.m. No appearances are required on 4/30/19.

Prior tentative ruling as of 10/15/18. Off calendar. Continued by stipulation and order to 2/5/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits. Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 2/7/18 at 2:00 p.m. No appearances are required on 2/24/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#33.00** Cont'd hearing re: Debtor's motion for order: (1) authorizing sale of estate real property free and clear of interest pursuant to 11 U.S.C. §§363(b) and (f); (2) approving overbid procedures; (3) approving buyer, successful bidder, and back-up bidder as good faith purchasers pursuant to 11 U.S.C. §363(m); (4) authorizing payment of undisputed liens, real estate commissions, and other ordinary costs of sale; and (5) providing procedures in the event of lack of cooperation of Mrs. Magleby to the sale  
fr. 2/26/19

Docket 638

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant debtor's motion to sell the subject real property under 11 U.S.C. 363, finding that the sale is an exercise of reasonable business judgment of debtor in possession and that the sale may be free and clear of liens and interests pursuant to 11 U.S.C. 363(f)(3), approve overbid procedures and payment of undisputed liens, real estate commissions and other ordinary costs of sale from escrow. Debtor will need to address the limited opposition of U.S. Bank to the motion. No tentative ruling on finding successful bidder and backup bidder as good faith purchasers pursuant to 11 U.S.C. 363(m) since sale with overbidding process has not yet been conducted. Authorize distribution of Mrs. Magleby's share of surplus sales proceeds directly to her from escrow pursuant to 11 U.S.C. 363(j). No tentative ruling on debtor's request for certain procedures in the event of lack of cooperation of Mrs. Magleby to the sale. The court is disinclined to order such procedures based on the presumption of lack of cooperation. Having said this, the court is inclined to order that the sale cannot close until Mrs. Magleby vacates the premises and possession is turned over to the buyer(s), that no distribution of the sales proceeds be made to Mrs. Magleby until the sale is closed after she turns over possession of the premises, or otherwise,



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

the estate or buyer(s) will incur expense of having to bring an unlawful detainer action in state court or a turnover action in this court resulting in damages to the estate for which she may be liable to compensate the estate if she willfully failed to turn over possession. Moreover, the court would consider setting a hearing on turnover on shortened or emergency notice in the event of a failure to turn over possession after the sale, though this might have to be accomplished through the pending adversary proceeding for turnover. The parties, including debtor, Mrs. Magleby and the buyer(s) are urged to cooperate with respect to turnover of possession by Mrs. Magleby in conjunction with the closing of escrow for the sale. Appearances are required on 2/26/19.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#34.00** Cont'd pretrial conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 5/15/18, 5/22/18, 3/12/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: PTC vacated per hearing held on 3/27/19, reset to s/c to 5/7/19 at 1:30 p.m.-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. Pretrial conference reset as a status conference on 5/7/19 at 1:30 p.m. No appearances are required on 4/30/19.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-37216 Albert Talassazan**

**Chapter 7**

**#35.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Peter J. Mastan, Chapter 7 Trustee]

Docket 187

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 4/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Albert Talassazan

Represented By  
Kenderton S Lynch

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Reem J Bello  
Jeffrey I Golden  
Christopher J Green

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-37216 Albert Talassazan**

**Chapter 7**

**#36.00** Hearing re: Application for fees and expenses  
[Weiland Golden Goodrich LLP, Attorney for Chapter 7 Trustee]

Docket 186

**Tentative Ruling:**

Approve final fee application of attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 4/30/19, but trustee and counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Albert Talassazan

Represented By  
Kenderton S Lynch

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
Reem J Bello  
Jeffrey I Golden  
Christopher J Green

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#37.00** Hearing re: Creditor, Freid and Goldsman APLC's motion for discretionary abstention re debtor's motion to disallow claims of Freid and Goldsman APLC (claim numbers 15-1 and 15-2)

Docket 679

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/28/19 at 2:30 p.m.  
per order entered on 4/26/19-st**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/28/19 at 2:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#38.00** Hearing re: Motion for order: (1) deeming records custodian declaration testimony admissible; (2) determining 7175 WB's pre-litigation and other disclosures to be sufficient for purposes of rule 26(a); (3) setting such other and further disclosure deadlines as may be necessary; and (4) deeming a certified copy of Mr. Jaurigui's November 6, 2018 deposition transcript admissible at trial

Docket 34

**\*\*\* VACATED \*\*\* REASON: Hearing on motion vacated per order entered on 4/24/19-pp.**

**Tentative Ruling:**

Off calendar. The court has issued a written ruling on the motion after determining that oral argument is unnecessary, dispensing with it, taking the motion under submission and vacating the hearing. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#39.00** Hearing re: Chapter 7 trustee's motion for order disallowing proofs of claims  
(Claim Nos. 2-1, 4-1, 5-1, 8-1, and 10-1)

Docket 51

**Tentative Ruling:**

Treat trustee's motion objecting to Claim 4-1 of American Express National Bank, as resolved since trustee has withdrawn his motion objecting to that claim. .

Treat trustee's motions objecting to Claim 2-1 of Amanollah Nayson and Claim 5-1 of Shaun Toub as contested matters under FRBP 9014 and schedule pretrial proceedings, including discovery and pretrial conference. Parties should meet and confer regarding pretrial schedule. While the court is inclined to sustain trustee's objections to the declaration of Shaun Toub, the court will allow the declarant to amend his declaration to lay a foundation of personal knowledge.

Grant trustee's motions objecting to Claim 8-1 of 515 South Figueroa Street and Claim 10-1 of LVNV Funding, LLC, etc., for the reasons stated in the moving papers and for lack of timely written opposition.

Appearances are required on 4/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#40.00** Hearing re: Chapter 7 trustee's motion for order disallowing proofs of claims  
(Claim Nos. 7-1, 9-1, and 13-1)

Docket 52

**Tentative Ruling:**

Grant trustee's motions objecting to Claim 7-1 of Bijan Navidbakhsh, Claim 9-1 of Ruben Saidian and Claim 10-1 of Farshid Shohed for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 4/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#41.00** Hearing re: Defendants Greta Curtis and Ammec, Inc.'s motion for summary judgment and/or summary adjudication

Docket 69

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 6/11/19 at 2:00 p.m.  
per order entered on 4/25/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own motion by prior order continues the hearing to 6/11/19 at 2:00 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#42.00** Hearing re: Motion for entry of order authorizing debtor to use cash collateral through and including October 31, 2019

Docket 152

**Tentative Ruling:**

Grant debtor's motion for order authorizing use of cash collateral through 10/31/19 for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 4/30/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By

Timothy J Yoo

Juliet Y Oh

Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16596 Nicholas Fernando Griego**

**Chapter 7**

Adv#: 2:18-01284 Fidelity National Title Insurance Company v. Griego

**#43.00** Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 12

**\*\*\* VACATED \*\*\* REASON: Hearing on motion vacated per order  
entered on 4/23/19-pp.**

**Tentative Ruling:**

Off calendar. The court dispenses with oral argument, vacates the hearing, takes the motion and has issued a written ruling on the motion. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Nicholas Fernando Griego Pro Se

**Defendant(s):**

Nicholas Fernando Griego Pro Se

**Movant(s):**

Fidelity National Title Insurance Represented By  
Karen A Ragland

**Plaintiff(s):**

Fidelity National Title Insurance Represented By  
Karen A Ragland

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#44.00** Hearing re: Motion to set aside entry of default of Nicholas Bowes and Luddivina Bowes

Docket 28

**Tentative Ruling:**

Grant defendants' motion to set aside default for the reasons stated in the moving papers based on the court's consideration of the following factors as set forth in Falk v. Allen, 739 F.2d 461, 463 (9th Cir. 1984): (1) culpable conduct, while defendants may have been culpable in filing and serving their answer 5 days late, they have demonstrated excusable neglect in that they are self-represented parties and not attorneys, who intended to defend in this case since the answer is only 5 days late, and they were not familiar with the rules and requirements of an adversary proceeding (though the summons stated the deadline was 10/11/18); (2) the answer of defendant raises colorable defenses; and (3) there is no prejudice to plaintiff, other than a short delay in having to litigate and prove up defendants' liability. The court considers the second and third factors as entitled to more weight than the first factor of culpable conduct since plaintiff was aware that defendants might seek to set aside default, having been served with their answer only five days after the deadline. Appearances are required on 4/30, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

**Defendant(s):**

|                 |        |
|-----------------|--------|
| Nicholas Bowes  | Pro Se |
| Luddivina Bowes | Pro Se |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Nicholas Bowes**

**Chapter 7**

**Joint Debtor(s):**

Luddivina Bowes Pro Se

**Movant(s):**

Nicholas Bowes Pro Se

Luddivina Bowes Pro Se

**Plaintiff(s):**

Camel Financial, Inc. Represented By  
Darren B. Landie  
Jerome S Demaree

**Trustee(s):**

John J Menchaca (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#45.00** Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1  
fr. 4/2/19

Docket 21

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Deny plaintiff's motion for default judgment without prejudice on grounds that the court is granting defendants' motion to set aside default. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/1/19. The court notes that defendants have filed a motion to set aside default on 3/19/19, which is noticed for hearing on 4/30/19 at 2:30 p.m. Appearances are required on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Nicholas Bowes Pro Se

**Defendant(s):**

Nicholas Bowes Pro Se

Luddivina Bowes Pro Se

**Joint Debtor(s):**

Luddivina Bowes Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Nicholas Bowes**

**Chapter 7**

**Plaintiff(s):**

Camel Financial, Inc.

Represented By

Darren B. Landie

Jerome S Demaree

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#46.00** Hearing re: Motion to dismiss or convert the chapter 11 bankruptcy case

Docket 143

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/7/19 at 2:00 p.m. as  
a pretrial conference per hearing held on 4/10/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 5/7/19 at 2:00 p.m. as a pretrial conference by oral ruling at hearing on 4/10/19. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#47.00** Hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief

Docket 248

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/13/19 at 1:30 p.m.  
per order entered on 4/18/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 5/13/19 at 1:30 p.m. by prior order entered on 4/18/19. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#48.00** Cont'd hearing re: The sale of the assets to one or more buyer(s)  
fr. 3/5/19, 4/8/19

Docket 209

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 3/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. The hearing is continued to 5/13/19 at 1:30 p.m. by stipulation and order entered on 4/18/19. No appearances are required on 4/30/19.

2:30 p.m. by stipulation and order entered on 3/14/19. No appearances are required on 4/8/19.

Prior tentative ruling as of 4/5/19. Off calendar. The hearing is continued to 4/30/19 at 2:30 p.m. by stipulation and order entered on 3/14/19. No appearances are required on 4/8/19.

Prior tentative ruling. The supporting declaration of Marvin Scheidt in the motion lacks a date of execution as required by 28 U.S.C. 1746(2) and needs to be corrected with an amended declaration filed and placed on the docket.

No tentative ruling on the appropriate minimum bid increments for the auction sale since it depends on proportionality, and the interests of the efficiency of the auction and the effectiveness of the auction in realizing value for the estate, and there is no information regarding proposed minimum bids for the properties in order for the court to meaningfully assess the proposed bid increments of \$5,000 from the committee and \$25,000 from the debtor.

The debtor agrees to the request of the committee that the proposed bid protections is subject to the condition that the stalking horse bidder is neither an insider nor an affiliate of the debtor, which condition is acceptable to the court.

The court notes that there was no objection to the proposed three percent breakup fee, which is acceptable to the court.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Regarding the committee's request for clarification regarding the applicability of any credit bid to any unencumbered properties and the allocation of the purchase price on a property by property basis in the event of a credit bid by a secured lender, and debtor's response that the issues raised by the request are premature because such issues may not be ultimately raised if there is only one bid for the sale assets or the submitted bids only relate to indisputably encumbered properties. While debtor makes a valid point, it seems that in order that the sale be conducted with a minimum of contested litigation over the encumbered status of particular assets, it would seem that there should be information known by debtor or available to debtor through public database sources like Westlaw.

The committee has asked for clarification that two of the fifteen estate properties are unencumbered, and debtor in reply states that it does not have the financial ability to provide confirmation. Debtor should explain why it does not have information regarding encumbrances on its properties, such as trust deeds, mortgages and property tax liens. Debtor should also explain its lack of ability to pay for preliminary title reports for the assets to be sold, or more reasonable cost alternatives, such as property profiles or Westlaw public database property reports, though the court also realizes that time is of the essence due to possible foreclosure activity by Great Rock. The court inquires of debtor how much information is known about the identity and extent of the liens and lienholders as to each property and whether this information has been or is being made available to prospective bidders. The court recognizes that the bidding parties will be responsible for their due diligence, and the court does agree with the committee in principle that a lienholder cannot credit bid on property it does not have a lien on, but the court feels that it would help if measures can be taken now to anticipate and minimize these allocation disputes.

Regarding the proposed form of notice to be provided to prospective buyers and other parties in interest, the form was supposed to be attached as Exhibit 1 to the reply, but it was not attached, so no tentative ruling on this item.

Regarding scheduling a sale hearing on or before April 9, 2019, the court can tentatively schedule a hearing of one hour for Tuesday April 9, 2019 at 11:00

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

a.m. If additional time is needed, the court can schedule a hearing on Monday April 8, 2019.

Appearances are required on 3/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#49.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/9/19, 1/16/19, 4/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 4/30/19 to 5/13/19 at 1:30 p.m.  
per order entered on 4/18/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/29/19. Off calendar. Continued to 5/13/19 at 1:30 p.m. by prior order entered on 4/18/19. No appearances are required on 4/30/19.

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#50.00** Hearing re: Application to employ Law Offices of David A. Tilem as general bankruptcy counsel

Docket 54

**Tentative Ruling:**

Approve employment application of Law Offices of David Tilem as general bankruptcy counsel for debtor in possession for the reasons stated in the application and for lack of timely written objection. Appearances are optional on 4/30/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, April 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10288 Christopher Bryce Rembert**

**Chapter 7**

**#51.00** Hearing re: Motion under 11 U.S.C. §110 for fines and/or disgorgement of fees against bankruptcy petition preparer; request for §110(i) damages

Docket 16

**Tentative Ruling:**

No tentative ruling as of 4/29/19. Appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Christopher Bryce Rembert

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#1.00** Cont'd hearing re: Fourth and final application of SulmeyerKupetz, a professional corporation, general bankruptcy counsel for official committee of unsecured creditors, for allowance and payment of fees and expenses, Period: 11/14/2015 to 4/6/2016, Fee: \$1,222,090.50, Expenses: \$71,194.27.  
fr. 8/8/18, 12/5/18, 12/12/18

Docket 2004

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/1/19 to 9/18/19 at 11:00 a.m.  
per order entered on 4/26/19-st**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by prior order to 9/18/19 at 11:00 a.m. No appearances are required on 5/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#2.00** Cont'd hearing re: Fourth and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses for Kurt Ramlo, Debtor's Attorney, Period: 11/16/2015 to 5/6/2016, Fee: \$618,081.00, Expenses: \$44,014.52. fr. 6/6/18, 8/8/18, 12/5/18

Docket 2000

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/1/19 to 9/18/19 at 11:00 a.m.  
per order entered on 4/26/19-st**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by prior order to 9/18/19 at 11:00 a.m. No appearances are required on 5/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#3.00** Cont'd status conference re: Post confirmation of plan  
fr. 8/8/18, 12/5/18, 12/12/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/1/19 to 9/18/19 at 11:00 a.m.  
per order entered on 4/18/19-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by prior order to 9/18/19  
at 11:00 a.m. No appearances are required on 5/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/15/19, 3/13/19, 4/17/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 4/30/19. Appearances are required to discuss scheduling of further proceedings, including Phase 2 of the trial. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case  
fr. 2/6/19, 2/7/19, 4/10/19, 4/17/19

Docket 479

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#6.00** CONT'D EVIDENTIARY HEARING RE: Motion for reconsideration of order disallowing creditor Ghazar Zehnaly's proof of claim 7-1 fr. 12/19/18, 2/7/19, 4/10/19, 4/17/19

Docket 589

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. The court will hear argument regarding the tentative ruling on reconsidering the court's evidentiary rulings on creditor Zehnaly's trial exhibits 4-8. Appearances are required on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#7.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr. 2/6/19, 2/7/19, 4/10/19, 4/17/19

Docket 482

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 2/6/19, 2/7/19, 4/10/19, 4/17/19

Docket 157

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 2/7/19, 4/10/19, 4/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26820 SK Vision LLC**

**Chapter 11**

**#10.00** Status conference re: Post confirmation of plan  
fr. 8/22/18, 11/7/18, 12/19/18

Docket 109

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SK Vision LLC

Represented By  
Aurora Talavera

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#11.00** Cont'd hearing re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 4/17/19

Docket 115

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/1/19 to 5/8/19 at 11:00 a.m.  
per hearing held on 4/17/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/8/19 at 11:00 a.m. No appearances are required on 5/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**Movant(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#12.00** Cont'd hearing re: Motion for order: (1) approving disclosure statement; (2) approving notice procedures; (3) establishing confirmation procedures and deadlines; and (4) establishing certain bar dates  
fr. 4/10/19, 4/17/19

Docket 72

**Tentative Ruling:**

No updated tentative ruling as of 4/30/19. Appearances are required on 5/1/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. The court has concerns regarding the adequacy of the information in the disclosure statement regarding bargain sales of debtor's accounts receivable and vehicle to its insider. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 4/10/19, 4/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#14.00** Hearing re: Confirmation of plan  
fr. 2/27/19

Docket 53

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits. Creditor PennyMac Loan Services, LLC objects to confirmation on grounds that under 11 U.S.C. 1123(b)(5) the plan impermissibly modifies a loan which is secured by debtor's principal residence by proposing payment of prepetition loan arrears over 10 years. In response, debtor argues that he may cure his default on this loan under 11 U.S.C. 1123(a)(5)(G) and the proposed 10 year payment of prepetition arrearages is impermissible, citing *In re Entz-White Lumber & Supply, Inc.*, 850 F.2d 1338 (9th Cir. 1988) and *In re LaPorta*, 578 B.R. 792 (Bankr. N.D. Ill. 2017). Neither party cites or discusses 11 U.S.C. 1123(d), which appears to be applicable here, and states: "Notwithstanding subsection (a) of this section and section 506(b), 1129(a)(7), and 1129(b) of this title, if it is proposed in a plan to cure a default the amount necessary to cure the default shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law." When the payment is made affects how much, i.e., the amount, if one considers the time value of money, which is why the court is not so sure that the language of *In re LaPorte*, 578 B.R. 792 (Bankr. N.D. Ill. 2017) that 11 U.S.C. 1123(d) only applies to the amount of cure as to the time of cure is correct. See *In re Fowler*, 903 F.2d 694 (9th Cir. 1990). Debtor's reliance on *Entz-White* is questionable since it is reliant on pre-1994 law which amended 11 U.S.C. 1123(d). *In re New Investments, Inc.*, 840 F.3d 1137 (9th Cir. 2016). PennyMac is an impaired creditor of nonaccepting Class 2, which did not vote, but its failure to cast a vote is not acceptance. *In re M. Long Arabians*, 103 B.R. 211 (9th Cir. BAP 1989); but see, *In re Rudi-Sweetwater, Inc.*, 836 F.2d 1263 (10th Cir. 1988). Debtor must show that the nonconsenting secured creditor retains its lien and is receiving deferred payments until paid in full, i.e., receiving the present value of the deferred payments equals the present value of the property under 11 U.S.C. 1129(b)(2)(A)(i)(I) and (II). As to the length of the payout, the court should look at 11 U.S.C. 1123(d) and look specifically whether the 10

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Edgar Eduardo Esparza**

**Chapter 11**

year payout on prepetition arrearages is consistent with the underlying agreement and applicable nonbankruptcy law, neither of which are really discussed in the parties' papers. Set an evidentiary hearing on a contested plan confirmation proceeding to determine whether debtor has met his burden of proving that his treatment of secured creditor PennyMac is fair and equitable under 11 U.S.C. 1129(b)(2)(A). Parties should be prepared to discuss their pretrial needs, including discovery. Appearances are required on 5/1/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 11/28/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#16.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 85

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/1/19 to 5/29/19 at 11:00 a.m.  
per hearing held on 4/17/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by the court's oral ruling at a prior hearing to 5/29/19 at 11:00 a.m. No appearances are required on 5/1/19.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**Movant(s):**

United States Trustee (LA)

Represented By  
Hatty K Yip

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-17424 San Pedro Waterfront LLC dba Ports O'Call Res**

**Chapter 11**

**#17.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/22/18, 11/28/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

San Pedro Waterfront LLC dba Ports

Represented By  
David R Haberbusch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#18.00** Cont'd status conference re: Management of chapter 11 case  
fr. 9/19/18, 10/3/18, 1/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 1, 2019

Hearing Room 1675

1:30 PM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#19.00** TRIAL RE: Motion to dismiss chapter 7 bankruptcy, or in the alternative, to convert chapter 7 to chapter 13  
fr. 1/29/19, 4/11/19

Docket 47

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal filed on 4/19/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/30/19. Off calendar. Debtors have filed a notice of voluntary dismissal of their motion because there is a pending motion to approve compromise between them and the trustee. No appearances are required on 5/1/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since there are disputed issues of material fact relating to debtors' good faith in requesting dismissal or conversion. Scheduling of the trial of the matter may be affected due to a possible further government shutdown in three weeks, which may impact the operations of the judiciary. Appearances are required on 1/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, May 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#1.00** Cont'd hearing re: Plaintiff's motion: (1) to interpret confirmation order and confirmed plan; and (2) to vacate order approving stipulation with Ace Museum, and strike stipulation from the docket, Pursuant to F.R.B.P. 9024, and F.R.C.P. 60(d)(3) fr. 4/16/19

Docket 540

**Tentative Ruling:**

No tentative ruling as of 4/29/19. Appearances are required on 5/2/19.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By  
Michael W Vivoli  
Ashley M McDow  
Ronald Rus

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, May 2, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell

Jennifer Kellen

Represented By  
Michael D Sobkowiak

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Friday, May 3, 2019

Hearing Room 1675

9:00 AM

2:18-22948    **Ciro L Perez and Maria M Perez**

**Chapter 7**

**#1.00**    EVIDENTIARY HEARING RE: Motion to avoid lien with Deutsche Bank National Trust under 11 U.S.C. §522(f) (real property) fr. 2/26/19

Docket      14

**\*\*\* VACATED \*\*\*    REASON: Cont'd from 5/3/19 to 6/5/19 at 1:30 p.m. per stip & order entered on 4/11/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 4/23/19. Off calendar. Continued by stipulation and order to 6/5/19 at 1:30 p.m. No appearances are required on 5/3/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding valuation of the subject real property. The court will set a schedule of pretrial and trial proceedings, including discovery and trial setting. The court notes that counsel for debtor has been suspended from practicing law for 6 months beginning 1/25/19 according to information on the state bar website. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Ciro L Perez

Represented By  
Peter L Lago

**Joint Debtor(s):**

Maria M Perez

Represented By  
Peter L Lago

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Wells Fargo Bank National Association VS Debtor)

Docket 586

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny request for extraordinary relief in paragraph 2 because debtor is not the borrower on the loan. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#2.00** Hearing re: Motion for relief from stay  
(Bayview Loan Servicing LLC VS Debtor)

Docket 422

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Deny requests for extraordinary relief in paragraphs 11 and 12 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Movant(s):**

Bayview Loan Servicing LLC as

Represented By  
Dane W Exnowski

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Marc Mechaly VS Debtor)

Docket 75

**\*\*\* VACATED \*\*\* REASON: Rescheduled to 5/14/19 at 10:30 a.m. per  
notice filed on 4/18/19-mb.**

**Tentative Ruling:**

Off calendar. Rescheduled to 5/14/19 at 10:30 a.m. by notice filed on  
4/18/19. No appearances are required on 5/7/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12101 Antoinette LaShon Taylor**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Antoinette LaShon Taylor

Represented By  
Daniel King

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14061 Christina Marie Vigil**

**Chapter 7**

**#4.10** Hearing re: Motion in individual case for order imposing a stay or continuing that automatic stay as the court deems appropriate

Docket 11

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 5/7/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Christina Marie Vigil

Represented By  
Derik N Lewis

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**2:12-35473 Amurgence Technology Inc**

**Chapter 7**

Adv#: 2:14-01500 Rund Chapter 7 Trustee v. Chen et al

**#5.00** Cont'd pretrial conference re: Complaint to: (1) Avoid and Recover Preferential Transfers; (2) Avoid and Recover Fraudulent Transfers; and for (3) Breach of Fiduciary Duty  
fr. 11/27/18, 1/15/19, 4/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. No tentative ruling on the merits. Appearances are required on 5/7/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Revised tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 5/7/19 at 1:30 p.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/27/17. No tentative ruling on the merits. The court has reviewed the joint status report and intends to discuss scheduling of further proceedings in this adversary proceeding, specifically to discuss whether they can be coordinated with further proceedings in the related adversary proceedings involving debtor's attorneys and Microland. Appearances are required on 11/28/17, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 8/31/15 and set a post-discovery status conference for 9/29/15 at 1:30 p.m. The parties are ordered to conduct FRBP 7026 conference by 3/31/15. Order the matter to

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Amurgence Technology Inc**

**Chapter 7**

mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 3/31/15 and to complete mediation by 9/29/15. Appearances are required on 2/3/15, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amurgence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Yian Chen

Pro Se

Shavonne Tran

Pro Se

Doron Stephen

Pro Se

DSI Computers, Inc., a California

Pro Se

**Plaintiff(s):**

Jason Rund Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#6.00** Cont'd hearing re: Motion to dismiss adversary proceeding due to unclean hands fr. 3/27/19

Docket 56

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 5/29/19 at 1:30 p.m. per order entered on 4/23/19-pp.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 5/29/19 at 1:30 p.m. by prior order. No appearances are required on 5/7/19.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 7, 2019

Hearing Room 1675

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#7.00** Cont'd hearing re: Motion for partial summary judgment on the fourth cause of action fr. 1/8/19, 3/12/19, 3/27/19

Docket 35

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 5/29/19 at 1:30 p.m.  
per order entered on 4/23/19-pp.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 5/29/19 at 1:30 p.m. by prior order. No appearances are required on 5/7/19.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Continued on the court's own motion to 3/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#8.00** Status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 5/22/18, 3/12/19, 4/30/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 5/29/19 at 1:30 p.m.  
per order entered on 4/23/19-pp.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 5/29/19 at 1:30 p.m. by prior order. No appearances are required on 5/7/19.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#9.00** Cont'd status conference re: Complaint for (1) determination that debt is nondischargeable pursuant to bankruptcy pursuant to bankruptcy code sections 523(1)(4) and 523(a)(6); and (2) for a finding of alter ego liability fr. 11/13/18, 3/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 9/17/19 at 1:30 p.m. per hearing held on 4/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 9/17/19 at 1:30 p.m. by prior order. No appearances are required on 5/7/19.

Prior tentative ruling as of 3/4/19. Off calendar. The court has reviewed plaintiff's unilateral status report. The court on its own motion continues the status conference to 5/7/19 at 1:30 p.m. in order to allow time for plaintiff to prepare and file a motion for default judgment. No appearances are required on 3/5/19.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

**Defendant(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
|-----------------|--------|

**Joint Debtor(s):**

|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
|-----------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Nicholas Bowes**

**Chapter 7**

**Plaintiff(s):**

Camel Financial, Inc.

Represented By  
Darren B. Landie  
Jerome S Demaree

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#9.10** Hearing re: Trustees Emergency Application For Order (1) Extending Time For Filing of Amended Complaint (2) Setting Hearing Date On Request For Order Authorizing Immediate Discovery

Docket 40

**Tentative Ruling:**

No tentative ruling as of 5/6/19. Appearances are required on 5/7/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay  
Irving M Gross

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Prototype Engineering & Manufacturing, Inc.**

Carmela Pagay

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

Adv#: 2:14-01502 Rund, Chapter 7 Trustee v. Microland Electronics Corporation, a California

**#10.00** Cont'd pretrial conference re: Complaint to: 1. Avoid Preferential Transfers; 2. Avoid Fraudulent Transfers; 3. Recover Preferential and Fraudulent Transfers; 4. Aiding and Abetting Breach of Fiduciary Duty; 5. Intentional Interference with Prospective Economic Advantage; and 6. Negligent Interference with Prospective Economic Advantage [11 U.S.C. §§544, 547, 548(a)(1)(A) and (B), 550(a)(1) and (2) and California Civil Code §3439, et seq.]  
fr. 5/29/18, 11/27/18, 2/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 9/17/19 at 1:30 p.m.  
per stip & order entered on 3/21/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 9/17/19 at 1:30 p.m. by stipulation and order. No appearances are required on 5/7/19.

Prior tentative ruling as of 11/27/17. No tentative ruling on the merits. The court has reviewed the joint status report and intends to discuss scheduling of further proceedings in this adversary proceeding, specifically to discuss whether they can be coordinated with further proceedings in the related adversary proceedings involving debtor's insiders and attorneys. Appearances are required on 11/28/17, but counsel may appear by telephone.

Prior tentative ruling as of 8/14/17. No tentative ruling on the merits. Appearances are required on 8/15/17, but counsel may appear by telephone.

Prior tentative ruling as of 4/10/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 4/11/17 to discuss scheduling of further proceedings, including possible coordination with litigation in Rund v. Lee adversary proceeding, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 9/30/15 and set a

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Amurgence Technology Inc Chapter 7**

post-discovery status conference for 10/27/15 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 3/31/15 and to complete mediation by 10/27/15. Appearances are required on 2/3/15, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amurgence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Microland Electronics Corporation,

Pro Se

**Plaintiff(s):**

Jason M. Rund, Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01158 Carter et al v. Martinez

**#11.00** Cont'd pretrial conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)2)(A) & (6)]  
fr. 7/10/18, 9/4/18, 11/13/18, 2/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 6/25/19 at 2:00 p.m.  
per stip & order entered on 4/4/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 6/25/19 at 2:00 p.m. by stipulation and order. No appearances are required on 5/7/19.

Prior tentative ruling as of 2/4/18. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**

**Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 6/19/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/18/18. No tentative ruling on the merits. Appearances are required on 6/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report filed by defendant. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Lance Carter

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

|                            |                                  |
|----------------------------|----------------------------------|
|                            | Dana M Douglas                   |
| Jean Holmes                | Represented By<br>Dana M Douglas |
| Carriage Estates LLC       | Represented By<br>Dana M Douglas |
| Adamantine Investments LLC | Represented By<br>Dana M Douglas |
| Sterling Holdings LLC      | Represented By<br>Dana M Douglas |
| Lance Carter IRA 419990    | Pro Se                           |

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 7, 2019

Hearing Room 1675

2:00 PM

2:18-15474 **Rafael H. Conchucos**

Chapter 7

Adv#: 2:18-01246 Conchucos v. U.S. DEPARTMENT OF EDUCATION C/O FEDLOAN

#12.00 Pretrial conference re: Complaint for hardship discharge - student loan  
fr. 10/2/18, 12/4/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on  
5/2/19-mb.

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order by  
reason of settlement. No appearances are required on 5/7/19.

**Party Information**

**Debtor(s):**

Rafael H. Conchucos

Represented By  
Shirlee L Bliss

**Defendant(s):**

U.S. DEPARTMENT OF

Pro Se

**Joint Debtor(s):**

Diana Conchucos

Represented By  
Shirlee L Bliss

**Plaintiff(s):**

Diana Conchucos

Represented By  
Shirlee L Bliss

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#13.00** Pretrial conference re: Motion for appointment of a chapter 11 trustee  
fr. 1/9/19, 2/27/19, 4/10/19

Docket 85

**Tentative Ruling:**

No updated tentative ruling as of 5/6/19. Appearances are required on 5/7/19, but counsel may appear by telephone.

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#14.00** Pretrial conference re: Motion to dismiss or convert the chapter 11 bankruptcy case  
fr. 4/30/19

Docket 143

**Tentative Ruling:**

No tentative ruling as of 5/6/19. Appearances are required on 5/7/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion for relief from stay  
(Financial Services Vehicle Trust VS Debtor)  
fr. 3/26/19, 4/2/19, 4/30/19

Docket 131

**Tentative Ruling:**

Revised tentative ruling as of 5/7/19. Off calendar. Motion resolved by stipulation for adequate protection and order thereon. No appearances are required on 5/7/19.

Prior tentative ruling as of 4/1/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Appearances are required on 4/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19 at 3:30 p.m. Off calendar. Continued by stipulation and order to 4/2/19 at 10:30 a.m. No appearances are required on 3/26/19.

Prior tentative ruling as of 3/25/19 at 1:00 p.m. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**

**Ben B. Safyari**

**Chapter 11**

online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 4/30/19

Docket 142

**Tentative Ruling:**

The court was inclined to deny the stay relief motion at this time because of the limited and summary nature of a stay relief proceeding to determine whether movant as a creditor should be release from the stay to argue the merits of his claim in a separate proceeding. In re Griffin, 719 F.3d 1126, 1128 (9th Cir. 2013). Granting stay relief will require a determination of issues relating to the merits of movant's claim, such as whether the subject property is community property or not, whether there are reasonable prospects of reorganization and whether debtor filed the bankruptcy case in good faith, which are issues that will be determined in other proceedings pending before the court, that is, on movant's motion to dismiss and motion to appoint a Chapter 11 trustee, and debtor's motion to avoid movant's judgment lien. Appearances are required on 5/7/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#17.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 2/5/19, 4/2/19, 4/10/19

Docket 96

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Based on In re Dingley, 852 F.3d 1143 (9th Cir. 2017), the court was inclined to grant the motion in part and deny it in part. Grant in part as to movant's efforts regarding the public policy interest of the state court to deter litigation misconduct, such as making a remedial award of attorneys' fees to movant for debtor's willful failure to obey the state court's turnover order, but deny in part to seeking turnover itself since movant has not shown that the judgment levy was effective in complying with the actual seizure requirement of California Commercial Code Section 8112(a). Appearances are required on 5/7/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No updated tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No updated tentative ruling on the merits. Appearances are required on 4/2/19, but counsel may appear by telephone,

Prior tentative ruling as of 2/4/19. No updated tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone,

Prior tentative ruling. Service of the motion is deficient since there is no proof of service on the 20 largest unsecured creditors as required by FRBP 4001(a) (1) and 1007(d). The motion appears to be a contested matter under FRBP 9014 with respect to the purpose of stay relief to allow the civil contempt proceeding to go forward in state court whether for the purpose of collecting on the judgment and vindicating private rights or for the purpose of effectuating public policy to deter "unprofessional conduct." In re Dingley, 852 F.3d 1143, 1146-1147 (9th Cir. 2017); see also, Kukui Gardens Corp. v. Holco Capital Group, Inc., 675 F.Supp.2d 1016, 1025-1029 (D. Haw. 2009).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Ben B. Safyari**

**Chapter 11**

Most likely, the court will have to set an evidentiary hearing after proper notice is given to creditors. Appearances are required on 1/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:14-21890 Alphonso Rowe Ferguson and Ruby Lee Ferguson**

**Chapter 7**

**#19.00** Cont'd hearing re: Motion to reopen chapter 7 case and authority to file on behalf of debtors by an administrator of debtors estate fr. 4/16/19

Docket 48

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Deny motion without prejudice for lack of standing because movant has not shown that she is the representative of the probate estate to exercise of the powers of an estate administrator, which requires her to be: 1) the executor, (2) administrator with will annexed, (3) administrator, or (4) special administrator. See California Probate Code Sections 8420, 8440, 8460(a) and 8540(a), cited in Ross and Cohen, Rutter Group California Practice Guide: Probate, paragraph 3:326 (2018). Movant as trustee of debtors' revocable living trust does not give her standing to act as the probate estate administrator, and movant has not provided legal authority showing that she has such standing. Movant probably needs to get an appointment from the probate court as a special administrator to represent the estate in litigation, such as this bankruptcy case. See Ross and Cohen, Rutter Group California Practice Guide: Probate, paragraph 14:1 et seq. Appearances are required on 5/7/19, but counsel may appear by telephone.

Prior tentative ruling. The moving papers are deficient because movant has not demonstrated standing to act on behalf of debtors as the administrator of their probate estates as she has not provided copies of the probate court's orders appointing her as the administrator of the probate estates (i.e., letters testamentary). Deny the motion without prejudice unless movant provides the court with copies of the probate court's orders appointing her as the administrator. Appearances are required on 4/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alphonso Rowe Ferguson

Represented By  
Michelle A Marchisotto

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Alphonso Rowe Ferguson and Ruby Lee Ferguson  
Sundee M Teeple**

**Chapter 7**

**Joint Debtor(s):**

Ruby Lee Ferguson

Represented By  
Michelle A Marchisotto  
Sundee M Teeple

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

**#18.00** Hearing re: Chapter 7 trustee's motion for approval of compromise with Microland Electronics Corporation

Docket 177

**Tentative Ruling:**

Grant trustee's motion to approve compromise with Microland Electronics Corp. for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 5/7/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-10983 Alcide J Monroe, III**

**Chapter 7**

**#20.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 71

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/7/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Alcide J Monroe III

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Joseph E. Caceres

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-10983 Alcide J Monroe, III**

**Chapter 7**

**#21.00** Hearing re: Application for fees and expenses  
[Caceres & Shamash, LLP, Attorney for Chapter 7 Trustee]

Docket 68

**Tentative Ruling:**

Approve final fee application of attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/7/19, but trustee and counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Alcide J Monroe III

Pro Se

**Movant(s):**

Wesley H Avery (TR)

Represented By  
Joseph E. Caceres

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Joseph E. Caceres



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-10983 Alcide J Monroe, III**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Robinson Consulting, Accountant for Chapter 7 Trustee]

Docket 69

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/7/19, but trustee, applicant, counsel may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                     |        |
|---------------------|--------|
| Alcide J Monroe III | Pro Se |
|---------------------|--------|

**Movant(s):**

|                     |        |
|---------------------|--------|
| Robinson Consulting | Pro Se |
|---------------------|--------|

**Trustee(s):**

|                     |                                     |
|---------------------|-------------------------------------|
| Wesley H Avery (TR) | Represented By<br>Joseph E. Caceres |
|---------------------|-------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#23.00** Hearing re: Debtor's motion to approve settlement between debtor and JPMorgan Chase Bank N.A.

Docket 425

**Tentative Ruling:**

Grant debtor-in-possession's motion to approve compromise with JP Morgan Chase Bank for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 5/7/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#24.00** Cont'd hearing re: Motion of defendant JPMorgan Chase Bank, N.A. to dismiss first amended complaint  
fr. 12/11/18, 1/29/19, 2/26/19

Docket 32

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 6/11/19 at 2:30 p.m.  
per stip & order entered on 4/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 6/11/19 at 2:30 p.m. by stipulation and order. No appearances are required on 5/7/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Matthew S Henderson

QUALITY LOAN SERVICE

Represented By  
Merdaud Jafarnia

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

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**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#25.00** Cont'd status conference re: Complaint for: (1) Declaratory Relief Regarding Alleged Standing Of Defendants Under Note And Deed Of Trust; (2) Declaratory Relief Regarding Purported Foreclosure Sale And Trustees Deed Upon Sale And Title To Real Property; (3) Declaratory Relief Regarding Unlawful Detainer Action; (4) Turnover Of Real Property; (5) Disallowance Of Any Claims Of JPMorgan Chase Bank, N.A.; (6) Violation Of Fair Debt Collection Practices Act  
fr. 10/16/18, 1/8/19, 3/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 7/30/19 at 2:30 p.m.  
per stip & order entered on 4/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued to 7/30/19 at 2:30 p.m. by stipulation and order. No appearances are required on 5/7/19.

Prior tentative ruling as of 1/7/19. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 4/30/18. No tentative ruling on the merits. Appearances are required on 5/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/20/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. Off calendar. The court on its own motion continues the status conference to 3/20/18 at 3:00 p.m. A separate order is being entered. No appearances are required on 2/27/18.

Prior tentative ruling. The court has reviewed the joint status report and also notes on the case docket that there is a hearing on the motion of defendant JP Morgan Chase Bank, N.A. to dismiss plaintiff's amended complaint on 2/27/18 at 3:00 p.m., which may have an impact on scheduling in this adversary proceeding. Therefore, the court on its own motion continues the

**United States Bankruptcy Court  
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Los Angeles  
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**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

status conference to 2/27/18 at 3:00 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint. No appearances are required on 2/13/18.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Pro Se

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-23722 Kody Branch of California, Inc.**

**Chapter 7**

**#26.00** Hearing re: Motion to allow late-filed creditor's proof of claim  
(Blanchard, Krasner & French)

Docket 300

**Tentative Ruling:**

Grant creditor's motion to file late and deem timely its proof of claim for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 5/7/19, but counsel may appear by telephone. Creditor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Kody Branch of California, Inc.

Represented By  
John-Patrick M Fritz

**Trustee(s):**

Wesley H. Avery

Represented By  
Kristofer R McDonald  
Richard A Marshack  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#27.00** Hearing re: Motion for default judgment under LBR 7055-1

Docket 17

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 5/14/19 at 11:00 a.m.  
per order entered on 5/3/19-mb.**

**Tentative Ruling:**

Off calendar. Continued on the court's own motion by prior order to 5/14/19 at 11:00 a.m. No appearances are required on 5/7/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#28.00** Cont'd status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727] fr. 3/5/19, 4/2/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/7/19 to 5/14/19 at 11:00 a.m.  
per order entered on 5/3/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. Off calendar. Continued on the court's own motion by prior order to 5/14/19 at 11:00 a.m. No appearances are required on 5/7/19.

Prior tentative ruling as of 4/1/19. Plaintiff filed a notice of motion on 3/23/19 for his motion for default judgment filed on 3/19/19 which purportedly notices the motion for hearing on 4/2/19 at 2:30 p.m. The notice of motion is not proper under LBR 9013-1(d) which requires 21 days notice of hearing, and the 14-day notice period for notice and opportunity to request hearing pursuant to LBR 9013-1(o) has not passed yet. Moreover, plaintiff has failed to serve a judge's copy of the moving papers on the presiding judge as required by LBR 5005-2(d). The court will not consider the motion for default judgment because it is defectively noticed and a judge's copy of the moving papers is properly served. The court will likely continue the status conference to a date after the motion for default judgment is properly noticed or plaintiff requests granting of the motion based on the lack of timely opposition to the motion and request for hearing. Appearances are required on 4/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 7, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Alan Eugene Salke**

**Chapter 7**

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18, 12/11/18, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/6/19. The court has reviewed creditor Emma Borges's unilateral status report on mediation. No tentative ruling on the merits. Appearances are required on 5/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtor's status report and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. The court has reviewed debtor's status report suggesting a continued status conference in about 60 days. No tentative ruling on the merits. Appearances are required on 3/7/18 to hear from other parties on status, including compliance with United States Trustee requirements, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/24/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#2.00** Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution  
fr. 11/14/18, 11/28/18, 1/30/19

Docket 103

**Tentative Ruling:**

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on 11/28/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 11/5/18. Off calendar. Continued on the court's own motion to 11/14/18 at 11:00 a.m. No appearances are required on 11/7/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11**

Prior tentative ruling. Continued on the court's own motion by written order to 11/7/18 at 10:00 a.m. No appearances are required on 10/24/18.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/11/18, 10/17/18, 1/30/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 5/15/18 will not be approved since this court generally requires at least 60 days notice to creditors of a claims bar date. The estimated administrative expenses in this case stated in the status report for \$250,000 to \$350,000 seem high, especially since debtors' budget motion and income and expense statements showing net income of about \$1,700 per month do not show that debtors have the ability to afford such expenses. There should be some explanation why the large amount of professional fee expenses estimated in the status report are needed in this case, and how debtors will be able to pay for these expenses (i.e., are they selling their real property to raise funds to pay for these fees). Appearances are required on 4/11/18, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Shahriar Joseph Zargar

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

---

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**  
Ashley M McDow

**Chapter 11**

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

**#4.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 10/16/18, 1/8/19, 1/30/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Defendant(s):**

Shahriar Joseph Zargar

Pro Se

Shabnam Mesachi

Pro Se

**Joint Debtor(s):**

Shabnam Mesachi

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar**

Ashley M McDow

**Chapter 11**

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#5.00** Cont'd hearing re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 4/17/19, 5/1/19

Docket 115

**Tentative Ruling:**

Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust, which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007). The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the reacted matter is privileged. Debtor as the objecting party must carry its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky, 2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Raesi Group, Inc**

**Chapter 11**

agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**Movant(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 8, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#6.00** Hearing re: Motion for (1) stay pending appeal; or (2) reconsideration of order granting, in part, and denying, in part, motion for relief from the automatic stay under 11 U.S.C. Section 362 (Action in Nonbankruptcy Forum)

Docket 111

**Tentative Ruling:**

Generally, the court does not issue a tentative ruling on the merits of a motion heard on shortened notice. The court in this instance has a question regarding debtors' claim of irreparable harm, which is unclear to the court since the creditor's claim whether the arbitration award remains confirmed or unconfirmed, it is still a general unsecured claim. The only difference it appears to the court is that debtors may want to relitigate the merits of the claim in this court if the proceedings to confirm the arbitrator's award is stayed and the award remains unconfirmed. If this is the case, the court would reaffirm its prior ruling regarding permissive abstention and stay relief. Appearances are required on 5/8/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, May 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: The sale of the assets to one or more buyer(s)  
fr. 3/5/19, 4/8/19, 4/30/19

Docket 209

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/29/19. Off calendar. The hearing is continued to 5/13/19 at 1:30 p.m. by stipulation and order entered on 4/18/19. No appearances are required on 4/30/19.

2:30 p.m. by stipulation and order entered on 3/14/19. No appearances are required on 4/8/19.

Prior tentative ruling as of 4/5/19. Off calendar. The hearing is continued to 4/30/19 at 2:30 p.m. by stipulation and order entered on 3/14/19. No appearances are required on 4/8/19.

Prior tentative ruling. The supporting declaration of Marvin Scheidt in the motion lacks a date of execution as required by 28 U.S.C. 1746(2) and needs to be corrected with an amended declaration filed and placed on the docket.

No tentative ruling on the appropriate minimum bid increments for the auction sale since it depends on proportionality, and the interests of the efficiency of the auction and the effectiveness of the auction in realizing value for the estate, and there is no information regarding proposed minimum bids for the properties in order for the court to meaningfully assess the proposed bid increments of \$5,000 from the committee and \$25,000 from the debtor.

The debtor agrees to the request of the committee that the proposed bid protections is subject to the condition that the stalking horse bidder is neither an insider nor an affiliate of the debtor, which condition is acceptable to the court.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, May 13, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

The court notes that there was no objection to the proposed three percent breakup fee, which is acceptable to the court.

Regarding the committee's request for clarification regarding the applicability of any credit bid to any unencumbered properties and the allocation of the purchase price on a property by property basis in the event of a credit bid by a secured lender, and debtor's response that the issues raised by the request are premature because such issues may not be ultimately raised if there is only one bid for the sale assets or the submitted bids only relate to indisputably encumbered properties. While debtor makes a valid point, it seems that in order that the sale be conducted with a minimum of contested litigation over the encumbered status of particular assets, it would seem that there should be information known by debtor or available to debtor through public database sources like Westlaw.

The committee has asked for clarification that two of the fifteen estate properties are unencumbered, and debtor in reply states that it does not have the financial ability to provide confirmation. Debtor should explain why it does not have information regarding encumbrances on its properties, such as trust deeds, mortgages and property tax liens. Debtor should also explain its lack of ability to pay for preliminary title reports for the assets to be sold, or more reasonable cost alternatives, such as property profiles or Westlaw public database property reports, though the court also realizes that time is of the essence due to possible foreclosure activity by Great Rock. The court inquires of debtor how much information is known about the identity and extent of the liens and lienholders as to each property and whether this information has been or is being made available to prospective bidders. The court recognizes that the bidding parties will be responsible for their due diligence, and the court does agree with the committee in principle that a lienholder cannot credit bid on property it does not have a lien on, but the court feels that it would help if measures can be taken now to anticipate and minimize these allocation disputes.

Regarding the proposed form of notice to be provided to prospective buyers and other parties in interest, the form was supposed to be attached as Exhibit 1 to the reply, but it was not attached, so no tentative ruling on this item.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, May 13, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Regarding scheduling a sale hearing on or before April 9, 2019, the court can tentatively schedule a hearing of one hour for Tuesday April 9, 2019 at 11:00 a.m. If additional time is needed, the court can schedule a hearing on Monday April 8, 2019.

Appearances are required on 3/5/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, May 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief  
fr. 4/30/19

Docket 248

**Tentative Ruling:**

No tentative ruling as of 5/13/19. Appearances are required on 5/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, May 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/16/19, 4/17/19, 4/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(The Bank of New York Mellon VS Debtor)

Docket 430

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition, except the limited opposition of debtor, which does not oppose granting of the motion, except with respect to waiver of the 14-day on enforcement of the stay relief order and any finding that the bankruptcy case was filed in bad faith.

Since there is no good reason why the 14-day waiting period under FRBP 4001(a)(3) should not be waived as there is no substantive opposition to the motion, grant the waiver.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Appearances are required on 5/14/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-12496 Good Clothing, Inc.**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Sara Cornejo VS Debtor)

Docket 232

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition.

No tentative ruling on request for extraordinary relief in paragraph 3 for stay annulment for lack of sufficient showing of entitlement for relief under the standards of *In re Gasprom, Inc.*, 500 B.R. 598, 607 (9th Cir. BAP 2013). The motion does not say why stay annulment is needed and why it is justified.

Deny request for extraordinary relief in paragraph 6 for lack of legal and/or evidentiary support. *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Good Clothing, Inc.

Represented By  
M. Jonathan Hayes  
Roksana D. Moradi-Brovina

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

---

10:30 AM

**CONT... Good Clothing, Inc.**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(Marc Mechaly VS Debtor)  
fr. 5/7/19

Docket 75

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1), including stay annulment, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)  
fr. 2/19/19, 3/12/19, 4/9/19

Docket 31

**Tentative Ruling:**

No updated tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 5/14/19 at 10:30 a.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. No tentative ruling on the merits. Appearances are required on 2/19/19 to discuss scheduling of further proceedings if debtor has obtained competent and admissible evidence of valuation, but counsel may appear by telephone.

Prior tentative ruling. The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 14, 2019

Hearing Room 1675

10:30 AM

CONT... **Joseph West**

**Chapter 7**

a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12317 Roneika Shavonne Green**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(King of Credit Financial, Inc. VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Roneika Shavonne Green

Represented By  
Raj T Wadhvani

**Movant(s):**

KING OF CREDIT FINANCIAL,

Represented By  
Vincent V Frounjian

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13077 Jacqueline L Hurtado**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Kinecta Federal Credit Union VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Jacqueline L Hurtado

Represented By  
Christie Cronenweth

**Movant(s):**

Kinecta Federal Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14164 Gaspar Roberto Garcia, II**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Triumph Management Company VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including stay annulment, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                          |        |
|--------------------------|--------|
| Gaspar Roberto Garcia II | Pro Se |
|--------------------------|--------|

**Movant(s):**

|                            |                                    |
|----------------------------|------------------------------------|
| Triumph Management Company | Represented By<br>Agop G Arakelian |
|----------------------------|------------------------------------|

**Trustee(s):**

|                      |        |
|----------------------|--------|
| John J Menchaca (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14428 Kyle Wayne Davis**

**Chapter 7**

**#8.00** Hearing re: Motion in individual case for order imposing a stay or continuing that automatic stay as the court deems appropriate

Docket 22

**Tentative Ruling:**

No tentative ruling will be issued on the motion heard on shortened notice.  
Appearances are required on 5/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Kyle Wayne Davis

Represented By  
Armen Shaghzo

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#8.10** Cont'd hearing re: Motion for default judgment under LBR 7055-1  
fr. 5/7/19

Docket 17

**Tentative Ruling:**

No tentative ruling as of 5/13/19. The court will discuss the concerns raised in its order of May 3, 2019 and will discuss the need for plaintiffs to show how they are entitled to judgment based on collateral estoppel (not clear under what law the court should apply here since the prior judgment was based on common law claims under state law rendered by a federal district court exercising diversity jurisdiction, and under what state law since the plaintiffs have diverse citizenship). Appearances are required on 5/14/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Alan Eugene Salke**

**Chapter 7**

J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#8.20** Cont'd status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727] fr. 3/5/19, 4/2/19, 5/7/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/14/19, but counsel may appear by telephone.

No tentative ruling as of 4/1/19. Plaintiff filed a notice of motion on 3/23/19 for his motion for default judgment filed on 3/19/19 which purportedly notices the motion for hearing on 4/2/19 at 2:30 p.m. The notice of motion is not proper under LBR 9013-1(d) which requires 21 days notice of hearing, and the 14-day notice period for notice and opportunity to request hearing pursuant to LBR 9013-1(o) has not passed yet. Moreover, plaintiff has failed to serve a judge's copy of the moving papers on the presiding judge as required by LBR 5005-2(d). The court will not consider the motion for default judgment because it is defectively noticed and a judge's copy of the moving papers is properly served. The court will likely continue the status conference to a date after the motion for default judgment is properly noticed or plaintiff requests granting of the motion based on the lack of timely opposition to the motion and request for hearing. Appearances are required on 4/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Alan Eugene Salke**

**Chapter 7**

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 14, 2019

Hearing Room 1675

1:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#9.00** Cont'd status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a) fr. 3/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/14/19 to 6/25/19 at 1:30 p.m.  
per stip & order entered on 4/12/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 6/25/19 at 1:30 p.m. No appearances are required on 5/14/19.

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

Cindy S. Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#10.00** Hearing re: Motion to extend discovery deadlines and continue pre-trial conference pursuant to Fed. R. Civ. P. 16(b)(4) [Incorporated by Fed. R. Bankr. P. 7016]

Docket 40

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice.  
Appearances are required on 5/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-19557 Alfonso Spindola Valdovinos**

**Chapter 7**

Adv#: 2:18-01032 Sarafin v. Valdovinos et al

**#11.00** Cont'd status conference re: Complaint: 1. To determine non-dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(A); 2. For denial of discharge pursuant to 11 U.S.C. § 727(a)(2)(A); 3. For denial of discharge pursuant to 11 U.S.C. § 727(a)(4)(A); 4. For denial of discharge pursuant to 11 U.S.C. § 727(a)(5); and 5. For a finding of alter ego liability  
fr. 4/17/18, 7/31/18, 3/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Adv proceeding dismissed per stip & order entered on 3/29/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/30/18. Set discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/13/19 at 1:30 p.m. A joint status report is due on 3/6/19. Order this matter to mediation, and parties to select a mediator and an alternate by 9/30/18 and complete mediation by 3/13/19. Plaintiff to submit a proposed scheduling order within 7 days of hearing. Appearances are required on 7/31/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/18. No tentative ruling on the merits. Appearances are required on 4/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report and continues the status conference on its own motion to 4/17/18 at 2:30 p.m., the date of the hearing on the motion to dismiss (the court will also advance the hearing on the motion to dismiss to 2:30 p.m.). No appearances are required on 4/10/18. Counsel for plaintiff is to give notice to counsel for defendants.

**Party Information**

**Debtor(s):**

Alfonso Spindola Valdovinos

Represented By  
William Radcliffe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Alfonso Spindola Valdovinos**

**Chapter 7**

**Defendant(s):**

Alfonso Spindola Valdovinos Pro Se

Isabel Valdovinos Pro Se

DOES 1 through 100, inclusive Pro Se

**Joint Debtor(s):**

Isabel Valdovinos Represented By  
William Radcliffe

**Plaintiff(s):**

Dory Sarafin Represented By  
Robert P Goe

**Trustee(s):**

Jason M Rund (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 14, 2019

Hearing Room 1675

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#12.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 10/23/18, 1/15/19, 2/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Rescheduled from 1:30 p.m. to 2:30 p.m. per  
stip & order entered on 4/12/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/28/19 at 2:00 p.m. No appearances are required on 5/14/19.

Prior tentative ruling. Updated tentative ruling as of 2/25/19. Off calendar. The court reviewed the joint status report stating that the pleadings are not yet at issue and requesting a 90-day continuance of the status conference. The court on its own motion continues the status conference to 5/14/19 at 1:30 p.m. A joint status report must be filed by 5/7/19. No appearances are required on 2/26/19.

Prior tentative ruling as of 10/22/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/23/18, but counsel may appear by telephone.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01214 Grand View Financial, LLC v. Ho

**#13.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 1/9/19, 2/12/1, 3/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of dismissal filed on 4/30/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding voluntarily dismissed by notice filed by plaintiff on 4/30/19. No appearances are required on 5/14/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Steven Ho

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

Adv#: 2:18-01302 Klein et al v. Safyari et al

**#14.00** Cont'd status conference re: Complaint for: 1. determination of nondischargeability (11 U.S.C. §523(a)(2)(A); 2. determination of nondischargeability (11 U.S.C. §523(a)(4); and, 3. recovery of property (F.R.B.P. 9001(1)) fr. 11/27/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/14/19 to address why monetary sanctions of \$100 should not be imposed against counsel for each party, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19, order the matter to mediation, the parties to select a mediator and alternate by 12/31/18 and complete mediation by 5/14/19 and set a post-discovery status conference for 5/14/19 at 1:30 p.m. and deadline for filing a further joint status report of 5/7/19. Appearances are required on 11/27/18, but counsel may appear by telephone. Plaintiff to lodge a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Defendant(s):**

Ben B. Safyari

Pro Se

ADY PROPERTY, LLC a California

Pro Se

**Plaintiff(s):**

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Ben B. Safyari**

**Chapter 11**

MJK 18, LLC a Nevada limited

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-24300 Jose D Ramirez**

**Chapter 7**

Adv#: 2:19-01067 Irwin Naturals v. Ramirez

**#15.00** Status conference re: Complaint to determine non-dischargeability of debt owed creditor  
Irwin Naturals

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/14/19 to 6/4/19 at 1:30 per  
order entered on 5/9/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own motion continues the status conference to 6/4/19 at 1:30 p.m. at the request of the parties in their joint status report stating that the matter is being settled, but that defendant has a schedule conflict on 5/14/19. No appearances are required on 5/14/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose D Ramirez Pro Se

**Defendant(s):**

Jose D Ramirez Pro Se

**Plaintiff(s):**

Irwin Naturals Represented By  
Jeanene Moenckmeier

**Trustee(s):**

Sam S Leslie (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 14, 2019

Hearing Room 1675

2:00 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#16.00** Cont'd hearing re: Motion compel discovery, protective order, quash subpoenas, contempt court order, violation of redaction rule fr. 2/26/19, 4/9/19

Docket 47

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/14/19 to 5/29/19 at 1:30 p.m. per order entered on 4/23/19-pp.**

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. Off calendar. Continued by prior order to 5/29/19 at 1:30 p.m. No appearances are required on 5/14/19.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:08-16156 Subsurface Exploration Co**

**Chapter 7**

**#17.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jeffrey I. Golden, Chapter 7 Trustee]

Docket 65

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/14/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Subsurface Exploration Co

Represented By  
Jeanne C Wanlass

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#18.00** Hearing re: Motion of Raymond Pettibon for leave to intervene as a plaintiff and for authorization to file complaint in intervention

Docket 568

**Tentative Ruling:**

Grant motion of Richard Pettibon for leave to intervene as a plaintiff and for authorization to file a complaint in intervention for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 5/14/19, but counsel may appear by telephone. Movant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By  
Michael W Vivoli

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

CONT...

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Ashley M McDow  
Ronald Rus  
Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell

Jennifer Kellen

Represented By  
Michael D Sobkowiak

**Plaintiff(s):**

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**  
Jessica Vogel

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#19.00** Cont'd hearing re: Motion to dismiss counter-claims pursuant to Fed. R. Civ. P. 12(b)(6) fr. 4/16/19

Docket 30

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/14/19 to 5/28/19 at 2:00 p.m.  
per stip & order entered on 5/7/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/28/19 at 2:00 p.m. No appearances are required on 5/14/19.

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 2:30 p.m. No appearances are required on 4/16/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Represented By  
Douglas A Crowder

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#20.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 10/23/18, 1/15/19, 2/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/14/19 to 5/28/19 at 2:00 p.m.  
per stip & order entered on 5/7/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/28/19 at 2:00 p.m. No appearances are required on 5/14/19.

Prior tentative ruling as of 2/25/19. Off calendar. The court reviewed the joint status report stating that the pleadings are not yet at issue and requesting a 90-day continuance of the status conference. The court on its own motion continues the status conference to 5/14/19 at 1:30 p.m. A joint status report must be filed by 5/7/19. No appearances are required on 2/26/19.

Prior tentative ruling as of 10/22/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/23/18, but counsel may appear by telephone.

Prior tentative ruling. Given the severity of the circumstances of turnover in the circumstances of this case, if plaintiff seeks judgment against defendants (meaning eviction of defendants from their residence which they had conveyed to plaintiff for it to perform certain services to save their home from foreclosure in exchange for rent payments and shared equity arrangements, which defendants allegedly defaulted), the court will order that plaintiff serve any dispositive motion on defendants by personal delivery. Appearances are required on 8/28/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

Ian Landsberg

**Defendant(s):**

Shirley Hanes

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-23932 John Michael Anderson**

**Chapter 7**

**#21.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jason M. Rund, Chapter 7 Trustee]

Docket 68

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/14/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

John Michael Anderson

Represented By  
Andrew S Mansfield

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-23932 John Michael Anderson**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Timomas H. Casey, Esq., Attorney for Chapter 7 Trustee]

Docket 67

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/14/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

John Michael Anderson

Represented By  
Andrew S Mansfield

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#23.00** Hearing re: Motion to dismiss first amended complaint to determine non-dischargeability

Docket 15

**Tentative Ruling:**

No tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Represented By  
Terran T Steinhart

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 14, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#24.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 3/26/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Pro Se

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#1.00** Hearing re: U.S. Trustee's motion to dismiss or convert or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 429

**Tentative Ruling:**

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19.

**Party Information**

**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for entry of order conditionally dismissing bankruptcy case fr. 4/10/19, 4/17/19, 5/1/19

Docket 479

**\*\*\* VACATED \*\*\* REASON: Denied without prejudice per order entered on 5/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court is taking the motion off calendar pursuant to its order being filed and entered on 5/14/19. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for approval of chapter 11 disclosure statement  
fr. 4/10/19, 4/17/19, 5/1/19

Docket 157

**\*\*\* VACATED \*\*\* REASON: Denied without prejudice per order entered  
on 5/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court is taking the motion off calendar pursuant to its order being filed and entered on 5/14/19. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** CONT'D TRIAL RE: Interim fee application for approval of compensation and expense reimbursement of Baker & Hostetler LLP  
fr. 4/10/19, 4/17/19, 5/1/19

Docket 482

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/15/19 to 6/26/19 at 11:00 a.m.  
per order entered on 5/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court is continuing the hearing to 6/26/19 at 11:00 a.m. pursuant to its order being filed and entered on 5/14/19. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#5.00** CONT'D EVIDENTIARY HEARING RE: Motion for reconsideration of order disallowing creditor Ghazar Zehnaly's proof of claim 7-1 fr. 4/10/19, 4/17/19, 5/1/19

Docket 589

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 5/14/19 and set a status conference on 5/29/19 at 11:30 a.m.-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court is continuing the hearing to 5/29/19 at 11:00 a.m. pursuant to its order being filed and entered on 5/14/19. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. The court will hear argument regarding the tentative ruling on reconsidering the court's evidentiary rulings on creditor Zehnaly's trial exhibits 4-8. Appearances are required on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/10/19, 4/17/19, 5/1/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/15/19 to 6/26/19 at 11:00 a.m.  
per order entered on 5/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court is continuing the hearing to 6/26/19 at 11:00 a.m. pursuant to its order being filed and entered on 5/14/19. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. The court is still deliberating on creditor Zehnaly's motion for reconsideration, which has an impact of other pending matters in this case, and has scheduled a hearing on this calendar regarding reconsideration of an evidentiary ruling on the trial of that matter. Appearances are optional on 5/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#7.00** Cont'd hearing re: Disclosure statement  
fr 3/27/19

Docket 77

**Tentative Ruling:**

No updated tentative ruling as of 5/13/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 3/6/19, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. No tentative ruling on the merits.  
Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Nina Mosby**

**Chapter 11**

report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#9.00** Hearing re: Motion to extend hearing date or deadline for filing plan of reorganization and disclosure statement

Docket 34

**Tentative Ruling:**

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#10.00** Hearing re: Motion for order authorizing use of estate property not in the ordinary course of business to cause DPE Investment, Inc. to dissolve

Docket 65

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/15/19 to 6/25/19 at 2:30 p.m.  
per stip & order entered on 5/10/19-pj.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 6/25/19 at 2:30 p.m. No appearances are required on 5/15/19.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 4/3/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Updated tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:30 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#12.00** Hearing re: Disclosure statement

Docket 277

**Tentative Ruling:**

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

11:30 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/28/18, 3/27/19, 4/3/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. No tentative ruling on the merits.  
Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.  
Appearances are required on 11/28/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits.  
Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
proposed claims bar date of 7/13/18 and proposed date for filing a disclosure  
statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18,  
but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#14.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 1/9/19, 3/6/19, 3/21/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

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**CONT... Advance Specialty Care, LLC**

**Chapter 11**

matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information fr. 1/19/19, 3/6/19, 3/21/19

Docket 215

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**  
Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#16.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims  
fr. 11/7/18, 3/6/19, 3/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/15/19 to 5/29/19 at 2:30 p.m.  
per stip & order entered on 5/10/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 15, 2019

Hearing Room 1675

1:30 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

| Document   | Tentative Ruling  |
|--|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet                       | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).   |
| 400 S. La Brea, LLC's 2016 Balance Sheet                       |   |
| 400 S. La Brea, LLC's 2016 Income Statement                    |   |
| 400 S. La Brea, LLC's 2016 Federal and State Tax Returns       |   |
| 2012 Appraisal of the Subject Property                         | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2013 Appraisal of the Subject Property                         |   |
| 2017 Appraisal of the Subject Property                         | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
| Technical Review of the 2017 Appraisal of the Subject Property |   |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, May 15, 2019**

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1:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation, Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S. Chapter 11**

**#17.00** Hearing re: Motion of plan agent for protective order re 2004 examination requested by Douglas James Christmas

Docket 2445

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/15/19 to 5/29/19 at 2:30 p.m.  
per stip & order entered on 5/1/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#18.00** Cont'd hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 2/19/19, 3/13/19, 4/3/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 5/14/19. Off calendar. The court on its own motion continues the hearing to be conducted with the continued hearing on plan agent's motion for protective order scheduled for 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 15, 2019

Hearing Room 1675

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2:30 PM

CONT... **Art and Architecture Books of the 21st Century and 400 S.** Chapter 11

mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, May 16, 2019

Hearing Room 1675

10:00 AM

2:19-11612 BARAKA HOLDINGS, LLC

Chapter 7

#1.00 EVIDENTIARY HEARING RE: Motion for relief from stay  
(Arixa Fund III, LP VS Debtor)  
fr 3/26/19, 4/9/19

Docket 9

\*\*\* VACATED \*\*\* REASON: Settled by stipulation per order entered on  
4/17/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 5/9/19. Off calendar. Matter resolved by stipulation and order. No appearances are required on 5/16/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, and a date for an evidentiary hearing on valuation since the parties dispute valuation. Appearances are required on 3/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(TD Auto Finance LLC VS Debtors)

Docket 68

**Tentative Ruling:**

The moving papers are deficient because there is no admissible evidence of movant's standing to seek stay relief. Appearances are required on 5/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10516 Oscar Javier Guerrero**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Wilmington Trust, National Association VS Debtor)

Docket 9

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on  
5/6/19. Case closed on 5/7/19-mb.**

**Tentative Ruling:**

Off calendar. Motion was voluntarily dismissed by noticed filed on 5/6/19. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Oscar Javier Guerrero

Pro Se

**Trustee(s):**

Heide Kurtz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-11472 Karetta Anderson**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, National Association VS Debtor)

Docket 14

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny request for extraordinary relief in paragraph 2 because debtor is not the borrower on the loan. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Karetta Anderson Pro Se

**Trustee(s):**

John J Menchaca (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12697 Boubakary Kerno Dialo**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)

Docket 18

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Grant request for extraordinary relief in paragraph 2 for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does make a finding of bad faith as to debtor. See *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Boubakary Kerno Dialo

Represented By  
Brad Weil

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13526 Joahna Ivonne Castaneda Vallado**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Fifth Third Bank VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including stay annulment, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Joahna Ivonne Castaneda Vallado

Represented By  
Michael E Clark

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14283 Yong Pil Park and Young Sook Park**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(San Diego County Credit Union VS Debtors)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including stay annulment, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Yong Pil Park

Represented By  
Kelly K Chang

**Joint Debtor(s):**

Young Sook Park

Represented By  
Kelly K Chang

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14701 Geni Clark**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Baldwin Villa Plaza, L.P. VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including stay annulment, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Geni Clark

Pro Se

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-26069 Allen Bernard Shay**

**Chapter 7**

**#8.00** EVIDENTIARY HEARING RE: Motion for order disallowing claim no. 14 filed by Allen Shay fr. 4/16/19

Docket 326

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits because the court will consider Debtor's testimony and evidence in support of his claim and Trustee's testimony and evidence in opposition to Debtor's claim. Appearances are required on 5/28/19.

Prior tentative ruling. Grant trustee's motion for order disallowing claim no. 14 of Debtor Allen Shay for the reasons stated in the moving and reply papers because debtor as claimant has not met his burden of proving that the debt claimed an administrative expense under 11 U.S.C. 503(b) arose from a transaction with the trustee (or he gave consideration to the trustee) and the debt directly and substantially benefitted the bankruptcy estate. Debtor's claim did not involve any transaction with the trustee because debtor incurred the expense without the trustee's knowledge or consent (and without debtor giving consideration to the trustee). Debtor has not shown that the expense directly and substantially benefitted the estate. Apparently, the expense was for some plumbing work on the subject real property because there is no evidence that such work was necessary or benefitted the estate, and it is unclear what was actually done. In re DAK Industries, Inc., 66 F.3d 1091 (9th Cir. 1995). Moreover, there is no evidence that debtor made the payment of the expense to claim reimbursement. Pursuant to 11 U.S.C. 541 and 704, the trustee has supervision and control of property of the estate, including the subject real property, and debtor had no authority to incur expense on behalf of the estate. Appearances are required on 4/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Allen Bernard Shay**

**Chapter 7**

**Debtor(s):**

Allen Bernard Shay

Represented By  
Andrew Edward Smyth  
William J Smyth

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Alfred H Siegel (TR)  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-26069 Allen Bernard Shay**

**Chapter 7**

**#9.00** Hearing re: Motion to avoid judicial lien under 11 U.S.C. §522(f) (real property) with Katrina Schauble.

Docket 337

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 5/20/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, vacated the hearing and issued a written order on the motion. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Allen Bernard Shay

Represented By  
Andrew Edward Smyth  
William J Smyth

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Alfred H Siegel (TR)  
Anthony A Friedman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:12-35473 Amurgence Technology Inc**

**Chapter 7**

Adv#: 2:14-01500 Rund Chapter 7 Trustee v. Chen et al

**#10.00** Cont'd pretrial conference re: Complaint to: (1) Avoid and Recover Preferential Transfers; (2) Avoid and Recover Fraudulent Transfers; and for (3) Breach of Fiduciary Duty  
fr. 1/15/19, 4/9/19, 5/7/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits. Appearances are required on 5/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/6/19. No tentative ruling on the merits. Appearances are required on 5/7/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Amurgence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Yian Chen

Pro Se

Shavonne Tran

Pro Se

Doron Stephen

Pro Se

DSI Computers, Inc., a California

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Amurgence Technology Inc**

**Chapter 7**

**Plaintiff(s):**

Jason Rund Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 28, 2019

Hearing Room 1675

1:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:18-01371 Gonzalez v. Discover Bank et al

#11.00 Cont'd hearing re: Defendant Discover Bank's motion to dismiss amended complaint fr. 4/16/19

Docket 31

\*\*\* VACATED \*\*\* REASON: Cont'd from 5/28/19 to 6/25/19 at 11:00 a.m.  
per order entered on 5/22/19-mb.

**Tentative Ruling:**

Undated tentative ruling as of 5/24/19. Off calendar. The court has issued an order continuing the hearings on the motions of Defendants Unify Financial Credit Union and Discover Bank to dismiss to 6/25/19 at 11:00 a.m. No appearances are required on 5/28/19.

Prior tentative ruling as of 4/15/19. Appearances are required on 4/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|               |                                 |
|---------------|---------------------------------|
| Discover Bank | Represented By<br>Holly J Nolan |
|---------------|---------------------------------|

|                    |                                |
|--------------------|--------------------------------|
| Unify Credit Union | Represented By<br>Brett P Ryan |
|--------------------|--------------------------------|

|                        |        |
|------------------------|--------|
| Attorney Anerio Altman | Pro Se |
|------------------------|--------|

|           |        |
|-----------|--------|
| Does 1-20 | Pro Se |
|-----------|--------|

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Arturo Gonzalez**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 28, 2019

Hearing Room 1675

1:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#12.00**      Cont'd status conference re: Complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Credit Union fka Western Federal Credit Union 4) damages by any other party does, 1-20  
fr. 1/15/19, 4/16/19

Docket      1

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 5/28/19 to 6/25/19 at 11:00 a.m.  
per order entered on 5/22/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. Off calendar. The court has issued an order continuing the status conference to 6/25/19 at 11:00 a.m. No appearances are required on 5/28/19.

Prior tentative ruling as of 4/15/19. Off calendar. Continued to 5/28/19 at 1:30 p.m. by order entered on 4/10/19. No appearances are required on 4/16/19.

Prior tentative ruling. The court will conduct the status conference on its 2:30 p.m. calendar with the hearings of plaintiff's motion to file an amended complaint and defendant UNIFY Financial Credit Union's motion to dismiss rather than at 1:30 p.m. for the convenience of the parties and the court.

Appearances are required on 1/15/19 at 2:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                    |        |
|--------------------|--------|
| Discover Bank      | Pro Se |
| Unify Credit Union | Pro Se |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Arturo Gonzalez**

**Chapter 7**

Attorney Anerio Altman

Pro Se

Does 1-20

Pro Se

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#13.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt and for denial of discharge  
fr. 1/16/18, 9/18/18, 3/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. The status conference will be conducted with the hearing on plaintiff's motion for summary judgment on the court's 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 3/11/19. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 5/28/19 at 1:30 p.m. based on plaintiff's intention to notice a motion for summary judgment for hearing in April or May 2019. The court on its own motion continues the status conference to 5/28/19 at 1:30 p.m. No appearances are required on 3/12/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Richard L Barnett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Richard L Barnett



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#14.00** Status conference re: Complaint for damages resulting from violations of 28 U.S.C. § 959(b)

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/28/19 to 7/16/19 at 1:30 p.m.  
per stip & order entered on 5/14/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 7/16/19 at 1:30 p.m. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#15.00** Cont'd hearing re: Debtor's motion for an order disallowing proof of claim 8 purportedly filed on behalf of U.S. Bank, National Association  
fr. 12/5/18, 12/12/18, 3/26/19

Docket 328

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits.  
Appearances are required on 5/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01241 Grand View Financial, LLC v. Harold R. Fuhrmann

**#16.00** Cont'd status conference re: Complaint for turnover of property of the estate  
[11 U.S.C. §542]  
fr. 10/2/18, 1/8/19, 4/9/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of dismissal filed on 4/30/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by notice filed on 4/30/19. No appearances are required on 5/28/19.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Harold R. Fuhrmann

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-25817 Denise Ann Hatfield**

**Chapter 7**

Adv#: 2:18-01434 Ehrenberg v. Hatfield

**#17.00** Cont'd status conference re: Complaint for: (1) avoidance of transfer under 11 U.S.C. § 548(a)(1)(A); (2) Avoidance of transfer under CCC § 3439.04(a)(1); (3) Avoidance of transfer under 11 U.S.C. § 548(A)(1)(B); (4) Avoidance of transfer under CCC § 3439.04(a)(2); (5) Avoidance of transfer under CCC § 3439.05; (6) Recovery of transferred property or value thereof; (7) Preservation of avoided transfer; and (8) Declaratory relief  
fr. 2/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. The court has reviewed the joint status report. Set a pretrial conference for 8/13/19 at 2:00 p.m. and a joint pretrial stipulation must be filed by 8/6/19. Appearances are required on 5/28/19 to discuss scheduling and the status of mediation, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19 and a further postdiscovery status conference for 5/28/19 at 1:30 p.m. with a joint status report due on 5/7/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/12/19 and complete mediation by 5/28/19. Appearances are required on 2/12/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Denise Ann Hatfield

Represented By  
Michael E Clark

**Defendant(s):**

Thomas Carson Hatfield

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Denise Ann Hatfield**

**Chapter 7**

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17263 8800 LLC**

**Chapter 11**

Adv#: 2:19-01029 8800 LLC v. TMC Realty, L.L.C.

**#18.00** Cont'd status conference re: Complaint for: (1) avoidance and recovery of value of the transfer [11 U.S.C. §§548(a)(1)(B), 550(a), & 551]; and (2) disallowance of any claims held by defendant [11 U.S.C. § 502(d)]  
fr. 4/2/19

Docket 1

**Tentative Ruling:**

The status conference and adversary proceeding are moot in light of the dismissal of the underlying bankruptcy case. Appearances are optional on 5/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

8800 LLC

Represented By  
David B Golubchik  
Jeffrey S Kwong  
Martin J Brill

**Defendant(s):**

TMC Realty, L.L.C.

Pro Se

**Plaintiff(s):**

8800 LLC

Represented By  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01011 Miller v. Agopian

**#19.00** Cont'd status conference re: Complaint (1) avoidance and recovery of fraudulent transfer; (2) for declaratory relief; (3) turnover of property; and (4) sale of interest of co-owner in property of the estate  
fr. 3/26/19

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed plaintiff's and defendant's unilateral status reports, stating that the matter is being settled, and the court on its own motion continues the status conference for about 30 days as requested to 7/2/19 at 1:30 p.m. No appearances are required on 5/28/19. Plaintiff to notify defendant(s) of the continuance.

**Party Information**

**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01012 Miller v. Agopian et al

**#20.00** Cont'd status conference re: Complaint (1) for declaratory relief; (2) turnover of property; and (3) sale of interest of co-owner in property of the estate fr. 3/26/19

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed plaintiff's unilateral status report, stating that the matter is being settled, and the court on its own motion continues the status conference for about 30 days as requested to 7/2/19 at 1:30 p.m. No appearances are required on 5/28/19. Plaintiff to notify defendant(s) of the continuance.

**Party Information**

**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

Armen Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, May 28, 2019

Hearing Room 1675

1:30 PM

2:18-22739 Mario Victor Velasco

Chapter 7

Adv#: 2:19-01037 CASARES v. Velasco et al

**#21.00** Order to show cause why sanctions should not be imposed against defendants and defendants' attorney Andrew Smyth for failure to appear at the April 9, 2019 status conference hearing

Docket 8

**Tentative Ruling:**

Off calendar. The court having reviewed counsel's declaration in response to the order to show cause discharges the order to show cause. No appearances are required on 5/28/19.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Mario Victor Velasco

Represented By  
Rabin J Pournazarian

**Defendant(s):**

Mario Victor Velasco

Represented By  
Andrew Edward Smyth

Toni Ann Velasco

Represented By  
Andrew Edward Smyth

**Joint Debtor(s):**

Toni Ann Velasco

Represented By  
Rabin J Pournazarian

**Plaintiff(s):**

GEORGE CASARES

Represented By  
Victor Yoo

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#22.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 1/29/19, 3/26/19, 4/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/28/19 to 6/25/19 at 1:30 p.m.  
per stip & order entered on 5/14/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 6/25/19 at 1:30 p.m. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#23.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 10/16/18, 2/5/19, 4/30/19

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/28/19 to 6/25/19 at 2:00 p.m.  
per order entered on 4/25/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. Off calendar. Continued by stipulation and order to 6/25/19 at 1:30 p.m. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#24.00** Cont'd hearing re: Motion to dismiss counter-claims pursuant to Fed. R. Civ. P. 12(b)(6)  
fr. 4/16/19, 5/14/19

Docket 30

**Tentative Ruling:**

Off calendar. The hearing on the motion is moot because the adversary proceeding was dismissed by stipulation and order on 5/20/19. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Represented By  
Douglas A Crowder

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01213 Grand View Financial, LLC v. Hanes

**#25.00** Cont'd status conference re: Complaint for turnover of property of the estate  
fr. 1/15/19, 2/26/19, 5/14/19

Docket 1

**Tentative Ruling:**

Off calendar. The status conference is moot because the adversary proceeding was dismissed by stipulation and order on 5/20/19. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Shirley Hanes

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#26.00** Cont'd hearing re: Trustees Emergency Application For Order (1) Extending Time For Filing of Amended Complaint (2) Setting Hearing Date On Request For Order Authorizing Immediate Discovery fr. 5/7/19

Docket 40

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits. Appearances are required on 5/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. Appearances are required on 5/7/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#26.10** Cont'd hearing re: Motion to dismiss adversary proceeding complaint under Federal Rule of Civil Procedure 12(b)(6)  
fr. 3/5/19, 3/26/19

Docket 15

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits.  
Appearances are required on 5/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/26/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

**Movant(s):**

Bahram Bordbar

Represented By  
Brian L Davidoff  
C John M Melissinos

Malahat Bordbar

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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2:00 PM

CONT...

**Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Brian L Davidoff

C John M Melissinos

**Plaintiff(s):**

Wesley H Avery

Represented By

Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Timothy J Yoo

Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-17125 Ramon De Jesus Contreras and Maria Del Rosario**

**Chapter 7**

**#27.00** Order to show cause why previously ordered distributions of \$189,228.37 to: (1) Bank of American, N.A.; and (2) Bank of New York Mellon should not be forfeited to the bankruptcy estate to pay estate claims

Docket 575

**Tentative Ruling:**

Since the trustee has complied with the court's order to show cause and served the secured creditors and their counsel of record, and she has resolved disputes as to some of the funds by stipulations and orders, the court is inclined the trustee's motion for relief from the prior distribution order as to the remaining funds. Appearances are required on 5/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ramon De Jesus Contreras

Represented By  
Andrew Edward Smyth

**Joint Debtor(s):**

Maria Del Rosario Contreras

Represented By  
Andrew Edward Smyth

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
John K Park  
Christian T Kim  
Miri Kim Wakuta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-17125 Ramon De Jesus Contreras and Maria Del Rosario**

**Chapter 7**

**#28.00** Cont'd hearing re: Motion for order (i) vacating and/or amending the order entered May 1, 2013 (authorizing surcharge and distribution of cash collateral); (ii) authorizing distribution to the estate's unsecured creditors or, (iii) in the alternative, allowing deposit of funds with court as unclaimed funds  
fr. 3/5/19

Docket 571

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. Since the trustee has complied with the court's order to show cause and served the secured creditors and their counsel of record, and she has resolved disputes as to some of the funds by stipulations and orders, the court is inclined the trustee's motion for relief from the prior distribution order as to the remaining funds. Appearances are required on 5/28/19, but counsel may appear by telephone.

Revised tentative ruling as of 3/4/19. Continued hearing on trustee's motion for relief from order to 5/28/19 at 2:30 p.m. because the court believes the present motion as well as the prior motions did not effectively put the creditors on notice that their previously ordered distributions were being forfeited. None of these motions were addressed to the affected creditors, but to the court, the debtor and "interested parties," which is ineffective notice to the creditors that they would be losing \$189,000. Moreover, neither the forfeiture of these funds nor the creditors whose funds are to be forfeiture is not described in the caption of any of these motions, which is ineffective notice. Rather than asking the trustee to try again, the court has issued its own order to show cause why the money previously ordered distributed to the creditors should be forfeited for their failure to accept the distributions, and the order to show cause will be directed to the creditors by name in the caption of the order. Appearances are required on 3/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ramon De Jesus Contreras

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

---

2:30 PM

**CONT... Ramon De Jesus Contreras and Maria Del Rosario**

**Chapter 7**

Andrew Edward Smyth

**Joint Debtor(s):**

Maria Del Rosario Contreras

Represented By

Andrew Edward Smyth

**Trustee(s):**

Carolyn A Dye (TR)

Represented By

James A Dumas Jr

John K Park

Christian T Kim

Miri Kim Wakuta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#29.00** Hearing re: 1. Motion to Determine When the Tolling Debtor's Rights Begins in Regards to Filing an Appeal or Right to File Post Order Motions on Reconsideration (Docket 370 &371) Because Debtor Didn't get Mailings of these Dockets. 2. Motion for Extension of Time Due to Excusable Neglect (If Necessary)

Docket 379

**\*\*\* VACATED \*\*\* REASON: Per order entered on 5/1/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, vacated the hearing and issued a written order on the motion. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#30.00** Hearing re: Motion to stay revocation of discharge

Docket 134

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 5/20/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, vacated the hearing and issued a written order on the motion. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Arturo Gonzalez Pro Se

**Defendant(s):**

Arturo Gonzalez Pro Se

**Plaintiff(s):**

Wesley H. Avery Represented By  
Brett B Curlee

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#31.00** Cont'd hearing re: Creditor, Freid and Goldsman APLC's motion for discretionary abstention re debtor's motion to disallow claims of Freid and Goldsman APLC (claim numbers 15-1 and 15-2)  
fr. 4/30/19

Docket 679

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. No tentative ruling on the merits.  
Appearances are required on 5/28/19, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 5/28/19 at 2:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#32.00** Hearing re: Motion for summary judgment, or, alternatively, partial summary adjudication regarding nondischargeability of debt under 11 U.S.C. § 523

Docket 21

**Tentative Ruling:**

No tentative ruling as of 5/24/19. Appearances are required on 5/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Represented By  
Peter T Steinberg

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Michael Fischer  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#33.00** Hearing re: Application for payment of final fees and/or expenses for Law Offices of David A. Tilem (11 USC §330) general counsel, Period: 2/24/2019 to 4/22/2019, Fee: \$8570.00, Expenses: \$46.79.

Docket 138

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/29/19 to 8/28/19 at 11:30 a.m.  
per order entered on 5/22/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own motion continues the hearing to 8/28/19 at 11:30 a.m. pending receipt of Excel files relating to the billing entries on the fee application as supplemented and objections thereto. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21264 Stephen W Chiu**

**Chapter 7**

**#34.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 47

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/28/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Stephen W Chiu

Represented By  
Christie Cronenweth

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21264 Stephen W Chiu**

**Chapter 7**

**#35.00** Hearing re: Application for fees and expenses  
[Hahn, Fife & Company, Accountant for Chapter 7 Trustee]

Docket 43

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/28/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Stephen W Chiu

Represented By  
Christie Cronenweth

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24330 Jung Ja Kim**

**Chapter 7**

**#36.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 82

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/28/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jung Ja Kim

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24330 Jung Ja Kim**

**Chapter 7**

**#37.00** Hearing re: Application for fees and expenses  
[Levene, Neale, Bender, Yoo & Brill L.L.P., Attorney for Chapter 7 Trustee]

Docket 79

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/28/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jung Ja Kim

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24330 Jung Ja Kim**

**Chapter 7**

**#38.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 78

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/28/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jung Ja Kim

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#39.00** Hearing re: Defendants, Greta Curtis motion to compel plaintiff People Who Care Youth Center, Inc.'s to attend it's deposition or in the alternative a terminating sanction for failure to engage in discovery

Docket 95

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 5/20/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, vacated the hearing and issued a written order on the motion. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16596 Nicholas Fernando Griego**

**Chapter 7**

Adv#: 2:18-01284 Fidelity National Title Insurance Company v. Griego

**#40.00** Hearing re: Motion for default judgment under LBR 7055-1

Docket 18

**Tentative Ruling:**

Grant plaintiff's motion for default judgment for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 5/28/19, but counsel may appear by telephone. Plaintiff to submit a proposed order granting the motion in addition to the default judgment already lodged within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Nicholas Fernando Griego Pro Se

**Defendant(s):**

Nicholas Fernando Griego Pro Se

**Plaintiff(s):**

Fidelity National Title Insurance Represented By  
Karen A Ragland

**Trustee(s):**

Peter J Mastan (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16596 Nicholas Fernando Griego**

**Chapter 7**

Adv#: 2:18-01284 Fidelity National Title Insurance Company v. Griego

**#41.00** Cont'd status conference re: Complaint to determine dischargeability of debt under 11 U.S.C. §523 fr. 11/13/18, 1/29/19, 4/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/24/19. Since the court has issued a tentative ruling to grant plaintiff's motion for default judgment, appearances are optional on 5/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 1/29/19 at 1:30 p.m. to allow time for plaintiff to file its motion for default judgment. No appearances are required on 11/13/18.

**Party Information**

**Debtor(s):**

Nicholas Fernando Griego Pro Se

**Defendant(s):**

Nicholas Fernando Griego Pro Se

**Plaintiff(s):**

Fidelity National Title Insurance Represented By  
Karen A Ragland

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, May 28, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Nicholas Fernando Griego**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. 8/1/18, 10/3/18, 1/30/19

Docket 203

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel and self-represented  
parties may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel and self-represented  
parties may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits.  
Appearances are required on 8/1/18, but counsel and self-represented parties  
may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
5/23/18, but counsel and self-represented parties may appear by telephone in  
accordance with the court's telephone appearance procedures posted online  
on the court's website.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits.  
Appearances are required on 11/15/17, but counsel may appear by  
telephone.

Prior tentative ruling as of 5/5/17. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

report. The court notes that the chart is missing the operative date for the amounts required to be paid, though the text of the report states that the date is the date of the report. Debtor needs to clarify the date for the amounts required to be paid. Otherwise, no tentative ruling on the merits. Debtor should also report on the rental situation, i.e., is the Burbank property rented out, and how much are her children paying on the Hacienda Heights property each. Appearances are required on 5/10/17, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 11/14/16. The court has reviewed debtor's status report. Appearances are required on 11/16/16, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 9/12/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/24/16 to discuss scheduling of further proceedings, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/27/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 6/13/16. Off calendar. The court has reviewed debtor's motion requesting an extension of time to file the post-confirmation status report, reporting that she was recently injured, and the court on its own motion continues the status conference to 7/27/16 at 11:00 a.m. with an updated status report due for filing on 7/20/16. No appearances are required on 6/15/16.

Prior tentative ruling as of 3/14/16. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/16/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 9/16/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 3/3/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/4/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 9/3/14. The court has reviewed the Debtor's status report filed 7/24/2014. No tentative ruling. Appearances required on 9/4/14.

Prior tentative ruling as of 3/17/14. The court has reviewed the United States Trustee (UST)'s report on discovery efforts and results and debtor's objection to the UST's request for further continuance. No tentative ruling on the merits. Appearances are required on 3/19/14.

Prior tentative ruling as of 2/10/14. No tentative ruling. Plan confirmation may be a contested matter under FRBP 9014 requiring an evidentiary hearing. Objecting parties United States Trustee and Deutsche Bank to show excuse for late filing of objections to plan. Debtor to address feasibility of plan, cramdown plan treatment of Deutsch Bank pursuant to its 11 U.S.C. 1111(b) election (i.e., proposed 23-year payout of secured claim may not be proper) and how Stonger vote and objection should be addressed (i.e., what authority exists to disregard Stonger vote or recognize inconsistent ballots, if they are indeed inconsistent rather than unintentionally mistaken.)). Appearances are required on 2/12/14.

Prior tentative ruling as of 12/2/13. At the last hearing on the disclosure statement, debtor indicated that she would submit financial projections as requested by the United States Trustee. Appearances are required on 12/4/13, but counsel may appear by telephone.

No tentative ruling as of 10/28/13. Appearances are required on 10/30/13.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

Debtor to address objections of United States Trustee and secured creditor Deutsche Bank. Although a confirmation matter, the court is not inclined to confirm a plan with a 36 year payout on the secured claim since no apparent justification is provided for the protracted payment and such appears to be discriminatory and unduly shifting the risk of lack of plan feasibility to that creditor. Appearances are required on 10/30/13.

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| <b>Party Information</b> |
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**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**Movant(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#1.10** Cont'd hearing re: U.S. Trustee's motion to dismiss or convert or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon fr. 5/15/19

Docket 429

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19.

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15626 Forbco Sizzler Partners, L.P.**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. 8/29/18, 11/28/18, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Forbco Sizzler Partners, L.P.

Represented By  
Robert E Opera  
Sean A OKeefe



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

**#3.00** Cont'd status conference re: Post confirmation of plan  
fr. 12/12/18, 1/16/19, 1/30/19

Docket 140

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Movant(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#4.00** Hearing re: Confirmation of plan  
fr. 12/19/18, 2/27/19, 3/27/19

Docket 68

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. Grant debtor's motion to approve first amended disclosure statement as containing adequate information for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 3/27/19 to discuss scheduling plan confirmation proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the hearing on the disclosure statement to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Dalton Evonne Grant**

**Chapter 11**

Prior tentative ruling. Deny approval of disclosure statement because: (1) plan is patently unconfirmable because it modifies loan secured by lien on debtor's principal residence in violation of 11 U.S.C. 1125(b) (plan modifies contractual interest rate on first and second secured home loans) and it does not propose a cure of outstanding arrearages on home mortgages in accordance with 11 U.S.C. 1124(2)(10 year payment of arrearages is discriminatory compared with 5 year payment of general unsecured claims); (2) disclosure statement lacks adequate information regarding plan feasibility since no financial history or financial projections are provided. Appearances are required on 4/25/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dalton Evonne Grant

Represented By  
David I Brownstein

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/19/18, 2/27/19, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Off calendar. In the case status report filed on 2/22/19, debtor advised that he reached a settlement with the first deed of trust holder and will be filing an amended disclosure statement and plan by 2/25/19 to be set for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. No appearances are required on 2/27/19. Debtor to give notice of continuance.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed debtor's status report requesting a continuance of about 30 day to complete settlement discussions with the secured lender. No tentative ruling on the merits. Appearances are required on 11/7/18 so that other parties, including United States Trustee, may be heard on status, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

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11:00 AM

CONT...

**Dalton Evonne Grant**

**Chapter 11**

report. No tentative ruling on the merits. Appearances are required on 8/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/5/17. The court has reviewed debtor's status report filed on 12/4/17. No tentative ruling on the merits. Appearances are required on 12/6/17, but counsel may appear by telephone.

Updated tentative ruling as of 8/28/17. No tentative ruling on the merits. Appearances are required on 8/30/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/8/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dalton Evonne Grant

Represented By  
Joshua L Sternberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for order authorizing and approving adequacy of debtor's disclosure statement describing debtor's second amended chapter 11 plan fr. 12/17/18, 2/27/19, 4/10/19

Docket 332

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits, though it appears that there is no written opposition to the disclosure statement. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits. Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

No updated tentative ruling as of 9/18/18. Appearances are required on 9/19/18, but counsel may appear by telephone.

No tentative ruling as of 7/16/18. Appearances are required on 7/18/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/17/18, 2/27/19, 4/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits.  
Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/16/18. No tentative ruling on the merits.  
Appearances are required on 2/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. No tentative ruling on the merits.  
Appearances are required on 1/17/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Plain Leasing, Inc.**

**Chapter 11**

Prior tentative ruling as of 10/10/17. No tentative ruling on the merits. Appearances are required on 10/11/17, but counsel may appear by telephone.

Revised tentative ruling as of 7/25/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits, but the court notes that the cash flow projection described as Exhibit A was not attached to the status report. Appearances are required on 4/19/17 to discuss setting of claims bar date and further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/14/18, 2/6/19, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits.  
Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits.  
Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing  
a claims bar date of 1/24/18 with notice being served by 11/8/17 and a  
disclosure statement filing deadline of 2/28/18. These dates are satisfactory,  
and debtor should submit a proposed scheduling order. Appearances are  
required on 11/1/17 to discuss scheduling of further proceedings, but counsel  
may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... JC Fits, Inc.**

**Chapter 11**

**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 11/7/18, 12/19/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/16/18. No tentative ruling on the merits.  
Appearances are required on 7/18/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

People Who Care Youth Center, Inc.      Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#10.00** Cont'd hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon  
fr. 4/17/19

Docket 85

**\*\*\* VACATED \*\*\* REASON: Vacated hearing per stip & order entered on 5/20/19-mb.**

**Tentative Ruling:**

Off calendar. The motion was resolved by stipulation and order entered on 5/20/19. No appearances are required on 5/29/19.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**Movant(s):**

United States Trustee (LA)

Represented By  
Hatty K Yip

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#11.00** Cont'd hearing re: Disclosure statement  
fr. 1/16/19, 3/13/19, 4/17/19

Docket 58

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by telephone.

Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Hugo Hernandez**

**Chapter 11**

required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#12.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/16/19, 3/13/19, 4/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's  
own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on  
debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 6/27/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

**#13.00** Hearing re: U.S. Trustee's motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 38

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

11:30 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#13.10** Status conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 9/30/15, 2/24/16, 4/6/16

Docket 343

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19 to discuss scheduling of further proceedings, including discovery and trial.

Prior tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/4/16. The court has reviewed debtor's unilateral status report. No tentative ruling on the merits. Appearances are required on 4/5/16 to discuss status of mediation and scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 2/22/16. The court has reviewed debtor's unilateral status report. No tentative ruling on the merits. Appearances are required on 2/24/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/28/15. No tentative ruling on the merits. Appearances are required on 9/30/15 to discuss scheduling of pretrial and trial proceedings.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set schedule of pretrial and trial proceedings. Parties should advise the court on their pretrial and trial needs. The court also notes that claimant failed to provide a judge's copy of the opposition which have separately tabbed exhibits as required by Local Bankruptcy 5005-2(d) and will have to provide such copy.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Hearing Room 1675

11:30 AM

CONT... **Sarkis Investments Company, LLC**

**Chapter 11**

Debtor's evidentiary objection to exhibits in support of the opposition appears to have merit, and while the court might sustain the objection, the court will afford an opportunity to claimant to support declarations to authenticate the exhibits as well as to provide the declaration of claimant under penalty of perjury to support the factual assertions in the opposition. The court is not satisfied that the declaration of counsel in support of the opposition is sufficient due to lack of foundation of the factual representations made therein. The court may continue the hearing for claimant to remedy these procedural deficiencies, or just set a litigation schedule. The court is not inclined to sustain the objection of debtor at this time without giving claimant an opportunity to cure the procedural deficiencies of the opposition in light of the amount of controversy and the facial validity of the arguments in the opposition supported by the exhibits (i.e., there appears to be a bona fide dispute about whether debtor was entitled to retain claimant's \$500,000 deposit if there were omissions of material fact regarding marketable title to the subject real property as alleged in the opposition. Appearances are required on 9/16/15.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#14.00** Cont'd hearing re: Motion to dismiss adversary proceeding due to unclean hands  
fr. 3/27/19, 5/7/19

Docket 56

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 5/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. Off calendar. Hearing vacated by order entered on 5/24/19 ruling on the motion. No appearances are required on the motion on 5/29/19.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#15.00** Cont'd hearing re: Motion for partial summary judgment on the fourth cause of action fr. 3/12/19, 3/27/19, 5/7/19

Docket 35

**\*\*\* VACATED \*\*\* REASON: Granting in part and denying in part per order entered on 5/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. Off calendar. Hearing vacated by order entered on 5/24/19 ruling on the motion. No appearances are required on the motion on 5/29/19.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Continued on the court's own motion to 3/12/19 at 2:30 p.m. by order filed and entered on 1/3/19. No appearances are required on 1/9/19.

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#16.00** Cont'd hearing re: Motion compel discovery, protective order, quash subpoenas, contempt court order, violation of redaction rule fr. 2/26/19, 4/9/19, 5/14/19

Docket 47

**\*\*\* VACATED \*\*\* REASON: Hearing vacated per order entered on 5/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. Off calendar. Hearing vacated by order entered on 5/24/19 ruling on the motion. No appearances are required on the motion on 5/29/19.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#17.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 3/12/19, 4/30/19, 5/7/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Defendant(s):**

Mary Katherine Cummins-Cobb                      Pro Se

**Plaintiff(s):**

Konstantin Khionidi                                      Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR)                                      Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**:** **Morabito et al**  
Misc#: 2:19-00103 Morabito et al

**Chapter 0**

**#18.00** Hearing re: Motion to compel compliance with subpoena to Bob Burke & Company, LTD

Docket 8

**Tentative Ruling:**

The moving papers are deficient because there is no service on debtor personally as required by Local Bankruptcy Rule 9013-1(d)(1) which requires service of a motion and notice in the debtor and the debtor's attorney, particularly here since the debtor is a party to the proceeding. The proof of service of the moving papers do not show service on the debtor personally, and it is unclear whether his attorney was served because the service list attached to the proof of service of the motion do not indicate who the service parties represent, except the subpoenaed party. Movant will need to prove service on the debtor and his attorney pursuant to this rule. Appearances are required on 5/29/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Plaintiff(s):**

JH, Inc

Represented By  
Michael A Wallin

Jerry Herbst

Represented By  
Michael A Wallin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#18.10** Cont'd hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 3/13/19, 4/3/19, 5/15/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. Off calendar. The court on its own motion continues the hearing to be conducted with the continued hearing on plan agent's motion for protective order scheduled for 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

2:30 PM

**CONT...**      **Art and Architecture Books of the 21st Century and 400 S.**      **Chapter 11**

requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#19.00** Cont'd hearing re: Motion of plan agent for protective order re 2004 examination requested by Douglas James Christmas fr. 5/15/19

Docket 2445

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**  
Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

- #19.10** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims fr. 11/7/18, 3/6/19, 3/13/19, 5/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

2:30 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

| Document  | Tentative Ruling  |
|---|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet<br>400 S. La Brea, LLC's 2016 Balance Sheet<br>400 S. La Brea, LLC's 2016 Income Statement<br>400 S. La Brea, LLC's 2016 Federal and State Tax Returns | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).   |
| 2012 Appraisal of the Subject Property<br>2013 Appraisal of the Subject Property  | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2017 Appraisal of the Subject Property<br>Technical Review of the 2017 Appraisal of the Subject Property  | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits.  
Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits.  
Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits.  
Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits.  
Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, May 29, 2019

Hearing Room 1675

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2:30 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation,

Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#20.00** Hearing re: Motion to dismiss complaint of plaintiff 7175 WB, LLC, pursuant to FRCP 12(b)(6) and FRBP 7012

Docket 5

**\*\*\* VACATED \*\*\* REASON: Order denying as moot entered on 5/22/19-  
mb.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Represented By  
Jason Wallach

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, May 29, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#21.00** Hearing re: Motion to strike complaint of plaintiff 7175 WB, LLC, pursuant to C.C.P. § 425.16

Docket 7

**\*\*\* VACATED \*\*\* REASON: Order denying as moot entered on 5/22/19-  
mb.**

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Represented By  
Jason Wallach

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, May 30, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(County of Riverside VS Debtor)  
fr. 7/27/18, 10/4/18, 1/17/19

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 5/30/19 to 9/19/19 at 10:00 a.m.  
per stip & order entered on 5/10/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 5/29/19. Off calendar. Continued by stipulation and order to 9/19/19 at 10:00 a.m. No appearances are required on 5/30/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding debtor's good faith in filing this case and whether the filing of debtor's petition was part of a scheme to hinder, delay or defraud creditors. The court will conduct the hearing as a status conference, and the parties should be prepared to discuss scheduling of an evidentiary hearing. Appearances are required on 5/22/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, May 30, 2019**

**Hearing Room 1675**

1:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief  
fr. 4/30/19, 5/13/19

Docket 248

**Tentative Ruling:**

Updated tentative ruling as of 5/29/19. No tentative ruling on the merits.  
Appearances are required on 5/30/19, but counsel may appear by telephone.

No tentative ruling as of 5/13/19. Appearances are required on 5/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, May 30, 2019**

**Hearing Room 1675**

1:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 4/30/19, 5/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 5/29/19. No tentative ruling on the merits.  
Appearances are required on 5/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits.  
Appearances are required on 5/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion  
continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with  
the hearing on debtor's motion for an order approving sale of certain estate  
assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but  
counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 1/9/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(Bank of America, N.A. VS Debtor)

Docket 438

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition, except for debtor's limited opposition in which it does not contest the granting of stay relief, except for opposing the waiver of the 14 day stay under FRBP 4001(a)(3).

Grant request for waiver of the 14-day stay under FRBP 4001(a)(3) since there is no good reason to deny the request as there is no substantive opposition to the motion.

Appearances are required on 6/4/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Jennifer Sunderland VS Debtor)

Docket 46

**Tentative Ruling:**

The moving papers are deficient since the proof of service fails to show service on debtor as required by LBR 4001-1(c)(1)(C). Now that the case has been converted to Chapter 7, movant will also have to serve the Chapter 7 trustee as required by LBR 4001-1(c)(1)(C). The hearing will have to be continued and renoticed or the motion will be dismissed without prejudice. Appearances are required on 6/4/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Pro Se

**Movant(s):**

Jennifer Sunderland

Represented By  
Daren M Schlecter  
Kimberly Wright

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12392 Sandra G Luna-Rosales**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Nissan Motor Acceptance Corporation VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Sandra G Luna-Rosales

Represented By  
Michael H Colmenares

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13781 HOOMAN MORVARID**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(George C. Hopkins Marital Deduction Trust VS Debtor)

Docket 18

**Tentative Ruling:**

Deny stay relief since movant is using the wrong form motion because debtor is not the tenant of the subject lease and the automatic stay of the bankruptcy case of the debtor who is not the tenant on the lease does not affect movant's unlawful detainer claim. Debtor is the president of the lessee entity, but the lease is in the name of a separate legal entity as tenant, and apparently, movant is seeking monetary damages for back rent and attorneys' fees against debtor as a guarantor of the tenant entity, for which the mandatory local court form stay relief motion for action in a nonbankruptcy forum, Form 4001-1.RFS.NONBK.MOTION, should have been used. This form motion provides for relief to enforce remedies to a final judgment in a nonbankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the debtor or property of the debtor's bankruptcy estate. In other words, such relief allows the movant to liquidate a claim against debtor or his bankruptcy estate in a nonbankruptcy forum rather than in the bankruptcy court, which is apparently what movant is seeking to accomplish rather than obtaining a judgment of possession on an unlawful detainer claim from a party who is not the tenant on the lease.

Deny request for stay annulment for failing to show that the legal standards of *National Environmental Waste Corp. v. City of Riverside* (In re National Environmental Waste Corp.), 129 F.3d 1052 (9th Cir. 1997) and *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013) have been met.

Deny requests for extraordinary relief in paragraphs 3, 8, 9, 10 and 11 for lack of legal authority and/or evidentiary support. *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Movant lacks standing to seek relief under 11 U.S.C. 362(d)(4) because it is not a secured creditor of debtor, only a lessor of a lease where the tenant is a nondebtor party.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... HOOMAN MORVARID**

**Chapter 7**

Deny request for relief under 11 U.S.C. 362(b)(22) that there is no stay since movant has not met the conditions of these provisions with evidence of a judgment for possession of residential property under 11 U.S.C. 362(b)(22). The moving papers indicate that this is a lease of nonresidential property and that debtor is not the tenant and do not indicate that movant has obtained a judgment of possession.

Deny request for relief under 11 U.S.C. 362(b)(23) that there is no stay since movant has not met the conditions of these provisions with evidence of endangerment of residential property or illegal use of controlled substances where debtor resides as a tenant under a lease or rental agreement under 11 U.S.C. 362(b)(23). The moving papers indicate that this is a lease of nonresidential property and that debtor is not the tenant and do not indicate that any endangerment of residential property or illegal use of controlled substances on the premises.

Movant requested relief under 11 U.S.C. 362(b)(22) and (23) without any reasonable basis in fact and law, and the court requires signing counsel for movant, Luke Daniels, to appear and show cause why sanctions of \$100 should not be imposed against him for requesting such relief without a reasonable basis in fact and law under Fed. R. Bankr. P. 9011.

Appearance of counsel for movant is required on 6/4/19, and counsel must appear in person and may not appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

HOOMAN MORVARID

Represented By  
Eileen Keusseyan

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15300 ARCVISION TECHNOLOGY CORP**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(PPF Industrial 12016 Telegraph Rd. LP VS Debtor)

Docket 21

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition.

Deny requests for extraordinary relief in paragraphs 7, 9 and 11 for lack of legal authority and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

ARCVISION TECHNOLOGY

Represented By  
Jan-Yung Lin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... ARCVISION TECHNOLOGY CORP**

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-14428 Kyle Wayne Davis**

**Chapter 7**

**#6.00** Order to appear and show cause why the automatic stay should not terminate on June 11, 2019 for failure of debtor to prove that he served all creditors as required by the court's order granting application and setting hearing on shortened notice filed and entered on May 1, 2019

Docket 29

**Tentative Ruling:**

No tentative ruling as of 6/3/19. Appearances are required on 6/4/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Kyle Wayne Davis

Represented By  
Armen Shaghzo

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01149 Van v. Martinez

**#7.00** Cont'd pretrial conference re: Complaint for denial of discharge of debt  
fr. 11/13/18, 2/5/19, 4/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. No tentative ruling on the merits. Appearances are required on 6/4/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

objections to the exhibits are stated unless the parties waive objections.  
Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/18/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the status reports filed by the parties. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Sandy Van

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-24300 Jose D Ramirez**

**Chapter 7**

Adv#: 2:19-01067 Irwin Naturals v. Ramirez

**#8.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt owed creditor Irwin Naturals  
fr. 5/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. No tentative ruling on the merits.  
Appearances are required on 6/4/19, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion continues the status conference to 6/4/19 at 1:30 p.m. at the request of the parties in their joint status report stating that the matter is being settled, but that defendant has a schedule conflict on 5/14/19. No appearances are required on 5/14/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose D Ramirez Pro Se

**Defendant(s):**

Jose D Ramirez Pro Se

**Plaintiff(s):**

Irwin Naturals Represented By  
Jeanene Moenckmeier

**Trustee(s):**

Sam S Leslie (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-24849 Susanne Barbara Mendoza**

**Chapter 7**

Adv#: 2:19-01095 Tannehill v. Mendoza

**#9.00** Status conference re: Complaint to determine dischargeability of debt under 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6)

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/4/19 to 6/11/19 at 1:30 p.m.  
per stip & order entered on 5/29/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 6/11/19 at 1:30 p.m. No appearances are required on 6/4/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Susanne Barbara Mendoza

Represented By  
Marc A Goldbach

**Defendant(s):**

Susanne Barbara Mendoza

Pro Se

**Plaintiff(s):**

Byron Tannehill

Represented By  
Brett Ramsaur

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-14952 Manhua Hu**

**Chapter 7**

**#10.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

No tentative ruling as of 6/3/19. Appearances are required on 6/4/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Manhua Hu

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#11.00**      Hearing re: Motion for trustee to protect debtor's interest pursuant to the fiduciary responsibility of the trustee under chapter 7 bankruptcy law and the protections provided under the constitution 5th and 14th amendment of "due process". Motion to have Honorable Judge Kwan "judicially notice" the number of unsecured creditors and the amount

Docket      47

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 6/4/19 to 6/25/19 at 11:00 a.m.  
per order entered on 5/31/19-pp.**

**Tentative Ruling:**

Off calendar. Continued to 6/25/19 at 11:00 a.m. on the court's own motion by prior order. No appearances are required on 6/4/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
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**Defendant(s):**

|               |                                 |
|---------------|---------------------------------|
| Discover Bank | Represented By<br>Holly J Nolan |
|---------------|---------------------------------|

|                    |                                |
|--------------------|--------------------------------|
| Unify Credit Union | Represented By<br>Brett P Ryan |
|--------------------|--------------------------------|

|                        |        |
|------------------------|--------|
| Attorney Anerio Altman | Pro Se |
|------------------------|--------|

|           |        |
|-----------|--------|
| Does 1-20 | Pro Se |
|-----------|--------|

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                                  |
|---------------------|----------------------------------|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee |
|---------------------|----------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15007 Eugen Valentin Dietl**

**Chapter 7**

**#12.00** Hearing re: Chapter 7 trustee's motion to release social security funds to debtor

Docket 349

**Tentative Ruling:**

No tentative ruling as of 6/3/19. Appearances are required on 6/4/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Eugen Valentin Dietl

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Aram Ordubegian

Annie Y Stoops

M Douglas Flahaut

Christopher K.S. Wong

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar

Tuesday, June 4, 2019

Hearing Room 1675

2:30 PM

2:17-20125 Grand View Financial LLC

Chapter 11

#13.00 Hearing re: Motion for the entry of an order dismissing the debtor's chapter 11 bankruptcy case

Docket 443

\*\*\* VACATED \*\*\* REASON: Cont'd from 6/4/19 to 6/5/19 at 11:00 a.m. per order entered on 5/20/19-mb.

**Tentative Ruling:**

Off calendar. Continued to 6/5/19 at 11:00 a.m. by prior order. No appearances are required on 6/4/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 4, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#14.00** Hearing re: Motion for order authorizing use of estate property not in the ordinary course of business to cause DJPE Corp. to dissolve

Docket 75

**Tentative Ruling:**

Grant debtor's motion for order authorizing use of estate property to dissolve DJPE Corp. for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 6/4/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-23722 Kody Branch of California, Inc.**

**Chapter 7**

**#1.00** Hearing re: Trustee's motion for order: (1) authorizing sale of assets of the estate (A) outside the ordinary course of business; (B) subject to overbid; and (C) for determination of good faith purchaser Under 11 U.S.C. §363(M); and (2) approving compromise with second generation, Inc

Docket 306

**Tentative Ruling:**

Grant trustee's motion for order authorizing sale of estate asset subject to overbid and approval of compromise with creditor Second Generation, Inc., for the reasons stated in the moving papers and for lack of timely written objection, but no tentative ruling on determination of good faith purchaser status since the sale is subject to overbidding. Appearances are required on 6/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Kody Branch of California, Inc.

Represented By  
John-Patrick M Fritz

**Trustee(s):**

Wesley H. Avery

Represented By  
Kristofer R McDonald  
Richard A Marshack  
D Edward Hays  
David Wood



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#2.00** Hearing re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee

Docket 291

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 since there are material issues of disputed fact. Parties should be prepared to discuss an appropriate schedule of pretrial and trial proceedings. Appearances are required on 6/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-19570 Rich Honey, Inc.**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18, 1/30/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case dismissed per stip & order entered on  
3/29/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot since the case has been dismissed. No appearances are necessary.

**Party Information**

**Debtor(s):**

Rich Honey, Inc.

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#3.10** Cont'd hearing re: Motion for the entry of an order dismissing the debtor's chapter 11 bankruptcy case  
fr. 6/4/19

Docket 443

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/5/19 to 6/12/19 at 11:00 a.m.  
per order entered on 5/22/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 6/12/19 at 11:00 a.m. by prior order. No appearances are required on 6/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#3.20** Cont'd hearing re: U.S. Trustee's motion to dismiss or convert or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon fr. 5/15/19, 5/29/19

Docket 429

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. Off calendar. Motion withdrawn by notice filed by United States Trustee on 6/3/19. No appearances are required on 6/5/19.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19.

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19.

**Party Information**

**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22948   Ciro L Perez and Maria M Perez**

**Chapter 7**

**#4.00**   EVIDENTIARY HEARING RE: Motion to avoid lien with Deutsche Bank National Trust under 11 U.S.C. §522(f) (real property) fr. 2/26/19, 5/3/19

Docket     14

**\*\*\* VACATED \*\*\*   REASON: Withdrawal of motion filed on 5/29/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. Off calendar. Motion withdrawn by debtors by notice filed on 5/29/19. No appearances are required on 6/5/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding valuation of the subject real property. The court will set a schedule of pretrial and trial proceedings, including discovery and trial setting. The court notes that counsel for debtor has been suspended from practicing law for 6 months beginning 1/25/19 according to information on the state bar website. Appearances are required on 2/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Ciro L Perez

Represented By  
Peter L Lago

**Joint Debtor(s):**

Maria M Perez

Represented By  
Peter L Lago

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-23722 Kody Branch of California, Inc.**

**Chapter 7**

**#1.00** Cont'd hearing re: Trustee's motion for order: (1) authorizing sale of assets of the estate (A) outside the ordinary course of business; (B) subject to overbid; and (C) for determination of good faith purchaser Under 11 U.S.C. §363(M); and (2) approving compromise with second generation, Inc.  
fr. 6/5/19

Docket 306

**Tentative Ruling:**

No updated tentative ruling as of 6/5/19. Appearances are required on 6/6/19, but counsel may appear by telephone.

Prior tentative ruling. Grant trustee's motion for order authorizing sale of estate asset subject to overbid and approval of compromise with creditor Second Generation, Inc., for the reasons stated in the moving papers and for lack of timely written objection, but no tentative ruling on determination of good faith purchaser status since the sale is subject to overbidding. Appearances are required on 6/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Kody Branch of California, Inc.

Represented By  
John-Patrick M Fritz

**Trustee(s):**

Wesley H. Avery

Represented By  
Kristofer R McDonald  
Richard A Marshack  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, June 10, 2019**

**Hearing Room 1675**

1:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief  
fr. 4/30/19, 5/13/19, 5/30/19

Docket 248

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the hearing from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the hearing from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits. Appearances are required on 6/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits. Appearances are required on 5/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/13/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, June 10, 2019**

**Hearing Room 1675**

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1:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, June 10, 2019**

**Hearing Room 1675**

1:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/30/19, 5/13/19, 5/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the status conference from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the status conference from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits. Appearances are required on 6/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits. Appearances are required on 5/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/13/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, June 10, 2019**

**Hearing Room 1675**

1:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)

Docket 596

**Tentative Ruling:**

The moving papers are deficient because the names of the declarants are blank and the supporting declarations are not signed. The motion should be denied without prejudice, or movant should amend its pleadings to include signed supporting declarations. Appearances are required on 6/11/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13406 Tyler Bee**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Bank of America N.A. VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Tyler Bee

Represented By  
Christian T Kim

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-13526 Joahna Ivonne Castaneda Vallado**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Kinecta Federal Credit Union VS Debtor)

Docket 12

**Tentative Ruling:**

Although the copy of the loan agreement in the moving papers is illegible and the certificate of title is unauthenticated, grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition because debtor's schedules list movant as the lender for the loan on the 2018 Nissan Sentra, which debtor has indicated that he intended to surrender. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Appearances are required on 6/11/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Joahna Ivonne Castaneda Vallado

Represented By  
Michael E Clark

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14131 Brian Anoukone Anoulak and Laura Gisela GuatiRojo**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny stay relief under 11 U.S.C. 362(d)(2) because the moving papers indicates an equity cushion of 3%. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Brian Anoukone Anoulak

Represented By  
Nancy Korompis

**Joint Debtor(s):**

Laura Gisela GuatiRojo Anoulak

Represented By  
Nancy Korompis

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14587 Rosalinda Montano**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Citywide Management and Consulting Inc dba Kim and Casey Property Management  
VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

|                   |        |
|-------------------|--------|
| Rosalinda Montano | Pro Se |
|-------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15298 Felipe De Jesus Duarte**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(TD Auto Finance LLC VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Felipe De Jesus Duarte

Represented By  
Sam Benevento

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#7.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 3/6/19, 3/21/19, 5/15/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for order approving second amended disclosure statement describing debtor's second amended chapter 11 plan fr. 3/6/19, 3/21/19, 5/15/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. The court is inclined to allow the parties to participate in mediation before the settlement judge before ruling on the amended disclosure statement. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01351 Mover v. Jaurigui

**#9.00** Cont'd status conference re: Complaint for nondischargeability under 11 U.S.C. §§523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4) fr. 1/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Jonathan Mover

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

**#10.00** Cont'd status conference re: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4) fr. 1/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17205 Avi Cohen**

**Chapter 7**

Adv#: 2:18-01296 Swift Financial, LLC fka Swift Financial Corporati v. Cohen

- #11.00** Cont'd status conference re: Complaint for non-dischargeability for: 1) debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C. §523(a)(2) (A); 2) debts incurred through false statements respecting debtor's financial condition under 11 U.S.C. §523(a)(2)(B); 3) debts incurred through conversion under 11 U.S.C. § 523(a)(4); 4) debts incurred through willful and malicious injury to property under 11 U.S.C. §523(a)(6) fr. 11/27/18

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. Off calendar. The court has reviewed plaintiff's interim status report stating that the alternate mediator would be able to complete a mediation in mid-June and requested a continuance of 30 days. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m. No appearances are required on 6/11/19. Plaintiff to give notice of continuance to defendant.

Prior tentative ruling. Set a discovery cutoff date of 5/31/19 and a post-discovery status conference on 6/11/19 at 1:30 p.m. with a joint status report due on 6/4/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 1/31/19 and complete mediation by 6/11/19. Appearances are required on 11/27/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website. Plaintiff to submit a proposed scheduling order within 7 days of the status conference.

**Party Information**

**Debtor(s):**

Avi Cohen

Represented By  
Joshua L Sternberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...      Avi Cohen**

**Chapter 7**

**Defendant(s):**

Avi Cohen

Pro Se

**Plaintiff(s):**

Swift Financial, LLC fka Swift

Represented By  
Daren M Schlecter

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

Adv#: 2:18-01302 Klein et al v. Safyari et al

**#12.00** Cont'd status conference re: Complaint for: 1. determination of nondischargeability (11 U.S.C. §523(a)(2)(A); 2. determination of nondischargeability (11 U.S.C. §523(a)(4); and, 3. recovery of property (F.R.B.P. 9001(1)) fr. 11/27/18, 5/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. Set a discovery cutoff date of 8/31/19 and a pretrial conference for 10/29/19 at 2:00 p.m. A joint pretrial stipulation must be filed by 10/22/19. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/14/19 to address why monetary sanctions of \$100 should not be imposed against counsel for each party, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19, order the matter to mediation, the parties to select a mediator and alternate by 12/31/18 and complete mediation by 5/14/19 and set a post-discovery status conference for 5/14/19 at 1:30 p.m. and deadline for filing a further joint status report of 5/7/19. Appearances are required on 11/27/18, but counsel may appear by telephone. Plaintiff to lodge a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Defendant(s):**

Ben B. Safyari

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Ben B. Safyari**  
ADY PROPERTY, LLC a California

Pro Se

**Chapter 11**

**Plaintiff(s):**

Joe Klein

Represented By  
Niv V Davidovich

MJK 18, LLC a Nevada limited

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

Adv#: 2:18-01302 Klein et al v. Safyari et al

**#13.00** Order to show cause why sanctions should not be imposed against plaintiffs Joe Klein and MJK 18, LLC and/or their attorney Niv Davidovich for failure to appear at status conference and to file status conference report

Docket 12

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/11/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Defendant(s):**

ADY PROPERTY, LLC a California

Pro Se

Ben B. Safyari

Represented By  
Raymond H. Aver

**Plaintiff(s):**

MJK 18, LLC a Nevada limited

Pro Se

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01100 Mitchell et al v. Okland

**#14.00** Status conference re: Complaint to determine dischargeability of debt and for denial of discharge (11 U.S.C. §§523(a)(2)(A); 523(a)(4); 727(a)((2)(A) & (B) and 727(a)(4)(A))

Docket 1

**Tentative Ruling:**

No tentative ruling on the merits. Appearances are required on 6/10/19 to address why monetary sanctions of \$100 should not be imposed against counsel for plaintiffs for failure to file a status report as required by the order setting initial status conference, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**Defendant(s):**

Dean Okland

Pro Se

**Plaintiff(s):**

Courtney Mitchell

Represented By  
Anja Reinke

Tracy Canfield

Represented By  
Anja Reinke

Michael Fleischer

Represented By  
Anja Reinke

Nadia Fleischer

Represented By  
Anja Reinke

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Dean Henrik Okland**

**Chapter 11**

Susan Boyer

Represented By  
Anja Reinke

David Boyer

Represented By  
Anja Reinke

Alyssa Shah

Represented By  
Anja Reinke

Mark Poireir

Represented By  
Anja Reinke

Sara Ramo

Represented By  
Anja Reinke

Louie Schwartzberg

Represented By  
Anja Reinke

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Represented By  
Anja Reinke

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01102 Sunderland et al v. Okland

**#15.00** Status conference re: Complaint for: (1)-(3) exception to discharge of certain debts [11 U.S.C. §§523(a)(2)(A),(4) and (6); (4)-(7) denial of discharge as to all debts [11 U.S.C. §§727(a)(2)-(5)]]

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed plaintiffs' unilateral status report and notes that plaintiffs resubmitted a request for entry of default on 6/7/19. The court on its own motion continues the status conference to 8/13/19 at 1:30 p.m. in order for plaintiffs' request for entry of default be considered by the court and for plaintiffs to prepare and file a motion for entry of default judgment. No appearances are required on 6/11/19.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By  
Matthew D. Resnik  
Roksana D. Moradi-Brovia

**Defendant(s):**

Dean Henrik Okland

Represented By  
Roksana D. Moradi-Brovia

**Plaintiff(s):**

Jennifer Sunderland

Represented By  
Kimberly Wright

James Farrow

Represented By  
Kimberly Wright

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

Adv#: 2:14-01500 Rund Chapter 7 Trustee v. Chen et al

**#15.10** Cont'd pretrial conference re: Complaint to: (1) Avoid and Recover Preferential Transfers; (2) Avoid and Recover Fraudulent Transfers; and for (3) Breach of Fiduciary Duty  
fr. 4/9/19, 5/7/19, 5/28/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 6/10/19. Off calendar. Stipulation for dismissal of adversary proceeding was filed on 6/10/19, and an order approving the stipulation is being entered. No appearances are required on 6/11/19.

Prior tentative ruling as of 5/24/19. No tentative ruling on the merits. Appearances are required on 5/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/6/19. No tentative ruling on the merits. Appearances are required on 5/7/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H Mcguire  
Irwin M Wittlin

**Defendant(s):**

Yian Chen

Pro Se

Shavonne Tran

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Amergence Technology Inc**

**Chapter 7**

Doron Stephen

Pro Se

DSI Computers, Inc., a California

Pro Se

**Plaintiff(s):**

Jason Rund Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-24849 Susanne Barbara Mendoza**

**Chapter 7**

Adv#: 2:19-01095 Tannehill v. Mendoza

**#15.20** Cont'd status conference re: Complaint to determine dischargeability of debt under 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6) fr. 6/4/19

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. The partes should be prepared to discuss scheduling of pretrial proceedings and trial since they are not in agreement on a proposed schedule and whether the matter should be referred to mediation. Appearances are required on 6/11/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Susanne Barbara Mendoza

Represented By  
Marc A Goldbach

**Defendant(s):**

Susanne Barbara Mendoza

Pro Se

**Plaintiff(s):**

Byron Tannehill

Represented By  
Brett Ramsaur

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 11, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01113 Diamond, Chapter 7 Trustee, Plaintiff v. Premier Rehabilitation Services, a

**#16.00** Cont'd pretrial conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 10/23/18, 1/8/19, 4/9/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/11/19 to 8/13/19 at 2:00 p.m.  
per stip & order entered on 5/10/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. Off calendar. Continued by stipulation and order to 8/13/19 at 2:00 p.m. No appearances are required on 6/11/19.

Prior tentative ruling as of 5/25/18. The court has reviewed the joint status report. Set a discovery cutoff date of 8/30/18, a pretrial conference for 10/23/18 at 2:00 p.m. and a deadline for filing a joint pretrial stipulation on 10/16/18. In the joint pretrial stipulation, the parties will need to address handling a bifurcated trial between claims to be tried before a jury in the district court and claims to be tried by the court in this court. Once the court approves the joint pretrial stipulation, the court will set a date for the court trial of the claims to be tried by this court and will make a referral of the jury triable claims to the district court. Appearances are required on 5/29/18 to discuss scheduling of further proceedings.

Prior tentative ruling as of 2/5/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 2/6/18 to discuss scheduling of further proceedings, including timing of amendment of pleadings, the proposed extended discovery cutoff date and the setting of a pretrial conference, but counsel may appear by telephone. Defendants have demanded a jury trial, but the court will defer referral of the jury triable claims to the district court for jury trial until the pretrial conference which this court will conduct (unless defendant successfully moves the district court to withdraw the reference). Plaintiff's potential postpetition transfer claims are

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**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

core claims within this court's jurisdiction and do not appear to be jury triable.

Prior tentative ruling as of 11/6/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 11/7/17 to discuss scheduling of further proceedings, including mediation completion, extended discovery cutoff date and trial, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. The court has reviewed the joint status report. No tentative ruling on the merits, but grant joint request to extend the discovery cutoff date to 9/30/17. Appearances are required on 8/29/17 to discuss scheduling of a pretrial conference and the second mediation, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 5/23/17 to discuss scheduling of further proceedings, including extension of discovery cutoff date to 6/30/17 and setting a date for a pretrial conference, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 3/21/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 12/31/16 and set a post-discovery status conference for 1/17/17 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 9/30/16 and to complete mediation by 1/17/17. Appearances are required on 5/3/16, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes

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**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

Michael Jay Berger

**Defendant(s):**

Premier Rehabilitation Services, a Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7 Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR) Pro Se

Richard K Diamond (TR) Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

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**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#17.00** Cont'd hearing re: Defendants Greta Curtis and Ammec, Inc.'s motion for summary judgment and/or summary adjudication  
fr. 4/30/19

Docket 69

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court on its own motion by prior order continues the hearing to 6/11/19 at 2:00 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

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**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#18.00** Cont'd hearing re: Motion for default judgment under LBR 7055-1  
fr. 5/7/19, 5/14/19

Docket 17

**Tentative Ruling:**

Revised tentative ruling as of 6/10/19. Grant plaintiffs' motion for default judgment for the reasons stated in the moving papers as supplemented on 6/3/19. Appearances are required on 6/11/19, but counsel may appear by telephone.

No tentative ruling as of 5/13/19. The court will discuss the concerns raised in its order of May 3, 2019 and will discuss the need for plaintiffs to show how they are entitled to judgment based on collateral estoppel (not clear under what law the court should apply here since the prior judgment was based on common law claims under state law rendered by a federal district court exercising diversity jurisdiction, and under what state law since the plaintiffs have diverse citizenship). Appearances are required on 5/14/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By

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**CONT... Alan Eugene Salke**

**Chapter 7**

J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

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**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#19.00** Cont'd status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727] fr. 4/2/19, 5/7/19, 5/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/14/19, but counsel may appear by telephone.

No tentative ruling as of 4/1/19. Plaintiff filed a notice of motion on 3/23/19 for his motion for default judgment filed on 3/19/19 which purportedly notices the motion for hearing on 4/2/19 at 2:30 p.m. The notice of motion is not proper under LBR 9013-1(d) which requires 21 days notice of hearing, and the 14-day notice period for notice and opportunity to request hearing pursuant to LBR 9013-1(o) has not passed yet. Moreover, plaintiff has failed to serve a judge's copy of the moving papers on the presiding judge as required by LBR 5005-2(d). The court will not consider the motion for default judgment because it is defectively noticed and a judge's copy of the moving papers is properly served. The court will likely continue the status conference to a date after the motion for default judgment is properly noticed or plaintiff requests granting of the motion based on the lack of timely opposition to the motion and request for hearing. Appearances are required on 4/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

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**CONT... Alan Eugene Salke**

**Chapter 7**

**Defendant(s):**

Alan Eugene Salke

Pro Se

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se



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**2:16-19752 Cesar Canares Medina**

**Chapter 7**

**#20.00** Hearing re: Debtor's motion to avoid lien under U.S.C. §522(f) (real property)

Docket 25

**Tentative Ruling:**

Treat the motion to avoid lien as a contested matter under FRBP 9014 and schedule an evidentiary hearing on valuation on condition that the judgment creditor, County of San Bernardino, obtains an admissible valuation opinion. The county's valuation opinions from Zillow.com and an online estimator are inadmissible because there is no showing that such valuations are based on scientifically accepted valuation methods, such as sales comparable valuation method, by a competent expert, such as a qualified real estate appraiser or professional, such as a broker or agent. Appearances are required on 6/11/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Cesar Canares Medina

Represented By  
L. Tegan Rodkey  
Steven A Alpert

**Trustee(s):**

Richard K Diamond (TR)

Pro Se

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**2:17-17972 Sion Javaheri**

**Chapter 7**

**#21.00** Cont'd hearing re: Chapter 7 trustee's motion for order disallowing proofs of claims (Claim No. 9-1) fr. 4/30/19

Docket 52

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. Treat as a contested matter under Federal Rule of Bankruptcy Procedure 9014 and set an evidentiary hearing and trial on the objection to Claim 9-1 of Ruben Saidian. The court does not expect that the trial would be long, perhaps 1-2 hours, and the court expects one of the parties to subpoena the debtor to testify as a trial witness. Alternatively, the parties may bring cross-motions for summary judgment. Appearances are required on 6/11/19 to discuss scheduling of pretrial proceedings and trial, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant trustee's motions objecting to Claim 7-1 of Bijan Navidbakhsh, Claim 9-1 of Ruben Saidian and Claim 10-1 of Farshid Shohed for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 4/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#22.00** Cont'd hearing re: Motion of defendant JPMorgan Chase Bank, N.A. to dismiss first amended complaint  
fr. 1/29/19, 2/26/19, 5/7/19

Docket 32

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/11/19 to 7/30/19 at 2:30 p.m.  
per stip & order entered on 5/1/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 7/30/19 at 2:30 p.m. No appearances are required on 6/11/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Matthew S Henderson

QUALITY LOAN SERVICE

Represented By  
Merdaud Jafarnia

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

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**2:17-25340 Lara Lynn Burnett**

**Chapter 7**

**#23.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 17

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 6/11/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Lara Lynn Burnett

Represented By  
Sundee M Teeple

**Trustee(s):**

David M Goodrich (TR)

Pro Se

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2:18-10383 Edward J Shin

Chapter 7

#24.00 Hearing re: Motion to compel judgment creditor to return the funds unlawfully held to debtor and to request sanctions against judgment creditor

Docket 17

\*\*\* VACATED \*\*\* REASON: Withdrawal of motion filed on 6/10/19-mb.

**Tentative Ruling:**

Deny debtor's motion to compel judgment creditor to return funds and for sanctions without prejudice. First, based on the allegations of the motion, there is no automatic stay violation because the the creditor's alleged act consists of inaction, i.e., creditor not responding to debtor's counsel's letter of 7/12/18 telling creditor's counsel to release a levy, which may not be an act in violation of stay, and the the automatic stay had already terminated when debtor's discharge was entered on 4/23/18 and the property of the estate was technically abandoned after the trustee's no asset report and the case was closed on 4/24/19 pursuant to 11 U.S.C. 362(c)(1) and (2) and 554(c). Second, since debtor is seeking to enforce the discharge injunction, he must use the civil contempt procedures set out in Local Bankruptcy Rule 9020-1, which he has not followed, and thus, the motion is procedurally defective. If debtor follows the procedures of Rule 9020-1, it is not clear from the papers that creditor violated the discharge injunction because there are no specific factual allegations as to what the creditor did to violate the discharge injunction, i.e., there is no allegation when the levy was executed, when creditor received the funds, and it may be that the levy was executed prepetition and the judgment lien attached to the funds prepetition. There is no showing that if this is the case that debtor avoided the judgment lien under 11 U.S.C. 522(f). In other words, there is not an adequate factual basis in the moving papers to grant relief of any kind. Appearances are required on 6/11/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Edward J Shin

Represented By  
Young K Chang

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**CONT... Edward J Shin**

**Chapter 7**

**Movant(s):**

Edward J Shin

Represented By  
Young K Chang

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

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**2:18-21789 Samuel Marquez**

**Chapter 11**

**#25.00** Hearing re: Objection to claim no.1 filed by the Internal Revenue Service

Docket 39

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/11/19 to 7/16/19 at 1:30 p.m.  
per order entered on 5/24/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 7/16/19 at 1:30 p.m. No appearances are required on 6/11/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

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**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#26.00** Hearing re: Motion to vacate order granting motion for relief from the automatic stay real property

Docket 44

**Tentative Ruling:**

Deny debtor's motion to vacate the order granting stay relief for the reasons stated in the oppositions of creditor Arixa and the trustee because granting relief would be futile since the property was foreclosed upon after stay relief was granted and the property was abandoned from the estate, and thus, the matter is moot since no effective relief can be granted here. Appearances are required on 6/11/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe



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**2:17-17577 Peter G. Kudrave**

**Chapter 11**

Adv#: 2:19-01032 Tilem v. Kudrave

**#27.00** Hearing re: 1) Motion to dismiss complaint to vacate order of confirmation as having been procured through fraud; 2) Deny application for all supplemental fees; 3) Request for monetary relief

Docket 11

**Tentative Ruling:**

It appears that the court lacks jurisdiction over this adversary proceeding to revoke the confirmation order under 11 U.S.C. 1144 because the action was filed on the 181st day after the entry of the confirmation order, and thus, the court lacks authority to enter the relief requested because the 180-day deadline is strictly construed and on its own motion dismiss the adversary proceeding for lack of jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). In re Orange Tree Associates, Ltd., 961 F.2d 1445 (9th Cir. 1992). Thus, the court does not reach the merits of defendant's motion to dismiss for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6). The court would afford the opportunity for the parties to brief the court's tentative ruling for dismissal.

The court would deny defendant's motion to deny all supplemental fees without prejudice because such pleading should have been filed in the main bankruptcy case and not in the adversary proceeding since the applicant's fee applications are pending there. Debtor would need to refile such motion in the main bankruptcy case.

The court will also discuss rescheduling the status conference in the adversary proceeding as well as the postconfirmation status conference in the main bankruptcy case originally scheduled for 6/26/19 at this hearing.

Appearances are required on 6/11/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

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**CONT... Peter G. Kudrave**

**Chapter 11**

**Debtor(s):**

Peter G. Kudrave

Pro Se

**Defendant(s):**

Peter G. Kudrave

Pro Se

**Plaintiff(s):**

David A Tilem

Represented By  
David A Tilem

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#1.00** Cont'd hearing re: Emergency motion to confirm sale of estate real property, in addition to motion for additional relief fr. 4/23/19

Docket 689

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. It would be helpful if Debtor and Mrs. Magleby and their counsel appeared in person, so the court can discuss the matters raised by the motion with them. Appearances are required on 4/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#2.00** Cont'd status conference re: Various matters including sale of debtor's residence and creditor Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i) fr. 4/10/19, 4/17/19, 4/23/19

Docket 656

**Tentative Ruling:**

Updated tentative ruling as of 6/11/19. The court has reviewed debtor's status report on various matters. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#3.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for Illyssa I Fogel, debtor's attorney  
fr. 4/10/19, 4/17/19, 4/23/19

Docket 548

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 12/19/18 at 11:00 a.m. No appearances are required on 11/13/18.

Corrected tentative ruling. Off calendar. The court on its own motion

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**CONT... Curtis C. Magleby**

**Chapter 11**

continues the hearing on the application to 11/14/18 at 1:30 p.m. to be heard with hearings on other matters in the case on that date. No appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#4.00** Cont'd hearing re: Application for payment of interim fees and/or expenses for LEA  
Accountancy, LLP  
fr. 4/10/19, 4/17/19, 4/23/19

Docket 594

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/12/19, but counsel and self-represented  
parties may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19.

Prior tentative ruling as of 12/17/18. Appearances are required on 12/19/18.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#5.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby  
(claim numbers 13, 7, and 12)  
fr. 4/10/19, 4/17/19, 4/23/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by



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counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on

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**CONT... Curtis C. Magleby**

**Chapter 11**

12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#6.00** Cont'd hearing re: Disclosure statement  
fr. 4/10/19, 4/17/19, 4/23/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for

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**CONT... Curtis C. Magleby**

**Chapter 11**

creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing

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on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

**Party Information**

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**Chapter 11**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

- #7.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 4/10/19, 4/17/19, 4/23/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her



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**Chapter 11**

current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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Prior tentative ruling as of 2/5/18. No tentative ruling on the merits.  
Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on  
11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on  
9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on  
7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but  
counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits.  
Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits.  
Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits.  
Appearances are required on 11/16/16, but counsel may appear by  
telephone.

Prior tentative ruling. The court has reviewed the joint status report. No  
tentative ruling on the merits. Appearances are required on 9/13/16, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

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**CONT... Curtis C. Magleby**

**Chapter 11**

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#7.10** Cont'd hearing re: Creditor, Freid and Goldsman APLC's motion for discretionary abstention re debtor's motion to disallow claims of Freid and Goldsman APLC (claim numbers 15-1 and 15-2)  
fr. 4/30/19, 5/28/19

Docket 679

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 6/10/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. This matter is apparently resolved with the notice of withdrawal of debtor's renewed motion for order disallowing claim of Freid & Goldsman, APLC, filed on 6/10/19. Appearances are optional on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/24/19. No tentative ruling on the merits. Appearances are required on 5/28/19, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 5/28/19 at 2:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for the entry of an order dismissing the debtor's chapter 11  
bankruptcy case  
fr. 6/4/19, 6/5/19

Docket 443

**Tentative Ruling:**

No tentative ruling as of 6/10/19. Appearances are required on 6/12/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

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**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/30/18, 10/3/18, 1/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/12/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/11/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold

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**CONT... Grand View Financial LLC**

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**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19, 3/13/19, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Off calendar. Continued by stipulation and order to 6/12/19 at 11:00 a.m. No appearances are required on 3/27/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but



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**CONT... Fox Property Holdings, LLC**  
counsel may appear by telephone.

**Chapter 11**

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo

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**2:18-21789 Samuel Marquez**

**Chapter 11**

**#11.00** Hearing re: Motion to further extend deadline for filing plan of reorganization and disclosure statement

Docket 43

**Tentative Ruling:**

No tentative ruling as of 6/10/19. Appearances are required on 6/12/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

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**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#11.10** Cont'd hearing re: Disclosure statement  
fr. 3/13/19, 4/17/19, 5/29/19

Docket 58

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. Appearances are required on 6/12/19 regarding schedule debtor's appearance before the court, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by telephone.

Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor

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**CONT... Hugo Hernandez**

**Chapter 11**

and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

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Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#11.20** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19, 4/17/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's  
own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on  
debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 6/27/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-11179 Kiyoko Nakano**

**Chapter 7**

**#12.00** Cont'd hearing re: Trustee's motion for dismissal of case  
fr. 4/16/19

Docket 11

**Tentative Ruling:**

Updated tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/12/19.

Prior tentative ruling. Treat the trustee's motion to dismiss as a contested matter under FRBP 9014 because there are factual issues regarding whether the bankruptcy case is properly filed (i.e., the attorney in fact is acting in a representative capacity that the bankruptcy case is truly the intent of debtor since the trustee has submitted evidence that this may be an elder abuse situation, which evidence is contested by the attorney in fact) and the case law is divided as to whether a general power of attorney may be used to file bankruptcy on another's behalf. See *United States v. Spurlin*, 664 F.3d 954, 959-960 (5th Cir. 2011), citing inter alia, *In re Ballard*, 1987 WL 191320 (Bankr. N.D. Cal. 1987); see also, *In re Vitagliano*, 303 B.R. 292 (Bankr. W.D. N.Y. 2003). The court may have to set an evidentiary hearing on whether or not this case is the actual intent of debtor to seek bankruptcy relief and would require that debtor personally appear at this evidentiary hearing. The court also notes that on 4/5/19 the attorney in fact filed a notice of cancellation of the continued meeting of creditors under 11 U.S.C. 341(a) which the trustee had set for 4/9/19 at 8:00 a.m. Although the attorney in fact asserts that the cancellation was agreed to by the trustee in a telephone conversation on 3/27/19, if this is not true, and debtor and the attorney in fact failed to appear at the continued meeting of creditors on 4/9/19, this may be grounds for dismissal of the case for failure of debtor to appear at a meeting of creditors without further hearing pursuant to Local Bankruptcy Rules 1017-2(b) and 9013-1(q). Appearances are required on 4/16/19.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 12, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Kiyoko Nakano**

**Chapter 7**

**Debtor(s):**

Kiyoko Nakano Pro Se

**Movant(s):**

Carolyn A Dye (TR) Pro Se

**Trustee(s):**

Carolyn A Dye (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#13.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 8/21/18, 11/6/18, 4/9/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 6/11/19. Off calendar. Continued by stipulation and order to 8/20/19 at 1:30 p.m. No appearances are required on 6/12/19.

Prior tentative ruling as of 4/8/18. No tentative ruling on the merits. Appearances are required on 4/9/18, but counsel may appear by telephone.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. The court tends to agree with plaintiff and defendant Trinh that a determination of whether the estate has an interest in the subject property first would be a more efficient use of litigation resources as that seems to be a straightforward issue. Deciding this issue is a threshold issue for Second Generation's fraudulent transfer claims, and the parties would not have to litigate these claims if the assets were plaintiff's separate property. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court intends to advance the related matters on the court's 2:30 p.m. calendar to be heard with the status conference. However, the status conference will be conducted at the end of the 1:30 p.m. for matters in other cases to be called first. Appearances are required on 8/21/18, but counsel may appear by telephone.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 12, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Catherine Trinh**

**Chapter 11**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 13, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#1.00** TRIAL RE: Motion to dismiss or convert the chapter 11 bankruptcy case  
fr. 4/30/19, 5/7/19

Docket 143

**Tentative Ruling:**

No tentative ruling will be issued for trial. Appearances are required on  
6/13/19.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 13, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#2.00 TRIAL RE: Motion for appointment of a chapter 11 trustee  
fr. 2/27/19, 4/10/19, 5/7/19**

Docket 85

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. No tentative ruling will be issued for trial. Appearances are required on 6/13/19.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, June 13, 2019

Hearing Room 1675

10:00 AM

2:18-18712 Ben B. Safyari

Chapter 11

#3.00 Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 4/30/19, 5/7/19

Docket 142

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. No tentative ruling will be issued for trial. Appearances are required on 6/13/19.

Prior tentative ruling. The court was inclined to deny the stay relief motion at this time because of the limited and summary nature of a stay relief proceeding to determine whether movant as a creditor should be release from the stay to argue the merits of his claim in a separate proceeding. In re Griffin, 719 F.3d 1126, 1128 (9th Cir. 2013). Granting stay relief will require a determination of issues relating to the merits of movant's claim, such as whether the subject property is community property or not, whether there are reasonable prospects of reorganization and whether debtor filed the bankruptcy case in good faith, which are issues that will be determined in other proceedings pending before the court, that is, on movant's motion to dismiss and motion to appoint a Chapter 11 trustee, and debtor's motion to avoid movant's judgment lien. Appearances are required on 5/7/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 13, 2019**

**Hearing Room 1675**

10:00 AM

**CONT... Ben B. Safyari**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, June 14, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#1.00** CONT'D TRIAL RE: Motion to dismiss or convert the chapter 11 bankruptcy case  
fr. 4/30/19, 5/7/19, 6/13/19

Docket 143

**Tentative Ruling:**

Revised tentative ruling as of 6/13/19. Off calendar. Trial concluded, and the matter will be taken under submission once supplemental briefing is filed by 6/28/19. No appearances are required on 6/14/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, June 14, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#2.00** CONT'D TRIAL RE: Motion for appointment of a chapter 11 trustee  
fr. 4/10/19, 5/7/19, 6/13/19

Docket 85

**Tentative Ruling:**

Revised tentative ruling as of 6/13/19. Off calendar. Trial concluded, and the matter will be taken under submission once supplemental briefing is filed by 6/28/19. No appearances are required on 6/14/19.

Updated tentative ruling as of 6/3/19. No tentative ruling will be issued for trial. Appearances are required on 6/14/19 if the trial is not concluded on 6/13/19.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, June 14, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#3.00** CONT'D TRIAL RE: Motion to dismiss or convert the chapter 11 bankruptcy case  
fr. 4/30/19, 5/7/19, 6/13/19

Docket 143

**\*\*\* VACATED \*\*\* REASON: Per hearing held on 5/7/19, matter reset to  
9:00 a.m. instead of 10:00 a.m.-mb.**

**Tentative Ruling:**

The trial if necessary on 6/14/19 will start at 9:00 a.m.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, June 14, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#4.00** CONT'D TRIAL RE: Motion for appointment of a chapter 11 trustee  
fr. 4/10/19, 5/7/19, 6/13/19

Docket 85

**\*\*\* VACATED \*\*\* REASON: Per hearing held on 5/7/19, matter reset to  
9:00 a.m. instead of 10:00 a.m.-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/3/19. The trial if necessary on 6/14/19 will start at 9:00 a.m.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat the motion as a contested matter because there are disputed issues of material fact whether cause exists for appointment of a Chapter 11 trustee under 11 U.S.C. 1104(a). The court will set a litigation schedule of pretrial and trial proceedings, including discovery, at the hearing, which will be treated as a status conference. Counsel should discuss their pretrial needs with each other before the hearing. Appearances are required on 1/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(U.S. Bank N.A. VS Debtor)

Docket 598

**Tentative Ruling:**

Deny without prejudice because movant has not shown how the stay from this bankruptcy case affects this property. Exhibit 9 is missing the attached legal description of the property which would apparently tie in this property to the debtor; the reference to the borrower on the deed as the person requesting recordation of the deed is insufficient to tie the property to the debtor. Otherwise, the moving papers do not show how the bankruptcy case relates to the property. Deny request for extraordinary relief in paragraph 3 of the prayer for relief to allow stay relief to work out a potential forbearance agreement with the debtor for lack of legal support because debtor was not the borrower on the loan agreement. Appearances are required on 6/25/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#1.10** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)  
fr. 6/11/19

Docket 596

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny relief from co-debtor stay under 11 U.S.C. 1201(a) and 1301(a) since those provisions are not applicable in a Chapter 7 bankruptcy case. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. The moving papers are deficient because the names of the declarants are blank and the supporting declarations are not signed. The motion should be denied without prejudice, or movant should amend its pleadings to include signed supporting declarations. Appearances are required on 6/11/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Chul Hyun Gong

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Chul Hyun Gong**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-20615 Joseph West**

**Chapter 7**

**#2.00** Cont'd hearing re: Motion for relief from stay  
(Bayview Loan Servicing, LLC VS Debtor)  
fr. 3/12/19, 4/9/19, 5/14/19

Docket 31

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed  
06/21/2019 - st**

**Tentative Ruling:**

Revised tentative ruling as of 6/24/19. Off calendar. Motion voluntarily dismissed by notice filed on 6/21/19. No appearances are required on 6/25/19.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/8/19. Off calendar. Continued by stipulation and order to 5/14/19 at 10:30 a.m. No appearances are required on 4/9/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/15/19. No tentative ruling on the merits. Appearances are required on 2/19/19 to discuss scheduling of further proceedings if debtor has obtained competent and admissible evidence of valuation, but counsel may appear by telephone.

Prior tentative ruling. The court is inclined to grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition in that debtor's opposition was not timely filed at least 14 days before the hearing as required by Local Bankruptcy Rule 9013-1. The opposition was filed on 1/3/19, only 5 days before hearing.

Movant has made a prima facie showing of cause under 11 U.S.C. 362(d)(1) indicating the lack of adequate protection based on the \$1,700,000 valuation

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**CONT...**

**Joseph West**

**Chapter 7**

admitted by debtor in his bankruptcy schedules, the amount of the lien being \$1,534,453.00 and estimated 8% cost of sale of \$136,000.00, leaving net equity of \$29,547.00, which is being eroded by a long and continuing failure to pay monthly mortgage payments of \$7,939.71, debtor has not made monthly mortgage payments for at least 112 months, this bankruptcy case is a Chapter 7 liquidation case, the Chapter 7 trustee has not opposed the motion, apparently determining the lack of net realizable equity for creditors based on movant's valuation, and thus, there is no bankruptcy purpose to keeping the stay in place to administer the asset in this case.

Debtor's opposition is not supported by competent and admissible evidence of valuation. The opinions of valuation in the opposition are not under declaration of penalty of perjury in accordance with 28 U.S.C. 1746(2). The qualifications of the valuation witnesses are not stated in the opposition showing that a qualified expert witness is rendering the opinion. Moreover, there is no scientifically validated method of valuation demonstrated in the valuation opinion, such as based on the sales comparable method of valuation. To the extent that debtor is relying his own opinion as the owner of the subject property, the court accords such opinion little, if any, weight because the opinion is conclusory and not credible unless it is based on same critical analysis as an independent real estate appraiser using the sales comparable or other scientifically valid method of valuation. In re Meeks, 349 B.R. 19, 22 (Bankr. E.D. Cal. 2006).

The court is inclined to grant the motion for the reasons set forth in this tentative ruling, but would consider continuing the matter for an evidentiary hearing on valuation if debtor retains an independent real property appraiser who provides a written valuation report based on scientifically valid methods of valuation and is called to testify at the evidentiary hearing and is subject to cross-examination by movant.

Appearances are required on 1/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Joseph West**

**Chapter 7**

**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(Jennifer Sunderland VS Debtor)  
fr. 6/4/19

Docket 46

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Since a Chapter 7 trustee was appointed on 6/5/19 during the pendency of this motion and has not been serve with the moving papers, movant will need to serve the trustee with the moving papers. The court will require movant to file and serve an amended notice of motion with a new hearing date on the trustee and the debtor who is now self-represented. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling. The moving papers are deficient since the proof of service fails to show service on debtor as required by LBR 4001-1(c)(1)(C). Now that the case has been converted to Chapter 7, movant will also have to serve the Chapter 7 trustee as required by LBR 4001-1(c)(1)(C). The hearing will have to be continued and renoticed or the motion will be dismissed without prejudice. Appearances are required on 6/4/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Pro Se

**Movant(s):**

Jennifer Sunderland

Represented By  
Daren M Schlecter  
Kimberly Wright



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14692 Roberto L Mangahas and Felicidad D Mangahas**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Mercedes-Benz Financial Services USA LLC VS Debtors)

Docket 14

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Roberto L Mangahas

Represented By  
Alon Darvish

**Joint Debtor(s):**

Felicidad D Mangahas

Represented By  
Alon Darvish

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, June 25, 2019

Hearing Room 1675

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#5.00**      Cont'd hearing re: Motion for trustee to protect debtor's interest pursuant to the fiduciary responsibility of the trustee under chapter 7 bankruptcy law and the protections provided under the constitution 5th and 14th amendment of "due process". Motion to have Honorable Judge Kwan "judicially notice" the number of unsecured creditors and the amount  
fr. 6/4/19

Docket      47

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Arturo Gonzalez      Pro Se

**Defendant(s):**

Discover Bank      Represented By  
Holly J Nolan

Unify Credit Union      Represented By  
Brett P Ryan

Attorney Anerio Altman      Pro Se

Does 1-20      Pro Se

**Plaintiff(s):**

Arturo Gonzalez      Pro Se

**Trustee(s):**

Wesley H Avery (TR)      Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Arturo Gonzalez**

Brett B Curlee

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, June 25, 2019

Hearing Room 1675

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#6.00**      Hearing re: Motion by defendant and chapter 7 trustee to dismiss adversary action under FRCP 10(b)(6) for failure to state a claim on which relief can be granted

Docket      60

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Because the court's ruling on the various motions may result in dismissal of some but not all parties and/or claims, the parties should comment on whether the court should apply Federal Rule of Civil Procedure 54(b) to enter final judgment as to some but not all claims and/or parties. Appearances are required on 6/25/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|               |                                 |
|---------------|---------------------------------|
| Discover Bank | Represented By<br>Holly J Nolan |
|---------------|---------------------------------|

|                    |                                |
|--------------------|--------------------------------|
| Unify Credit Union | Represented By<br>Brett P Ryan |
|--------------------|--------------------------------|

|                        |        |
|------------------------|--------|
| Attorney Anerio Altman | Pro Se |
|------------------------|--------|

|           |        |
|-----------|--------|
| Does 1-20 | Pro Se |
|-----------|--------|

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Arturo Gonzalez**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#7.00**      Cont'd hearing re: Defendant Discover Bank's motion to dismiss amended complaint  
fr. 4/16/19, 5/28/19

Docket      31

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Because the court's ruling on the various motions may result in dismissal of some but not all parties and/or claims, the parties should comment on whether the court should apply Federal Rule of Civil Procedure 54(b) to enter final judgment as to some but not all claims and/or parties. Appearances are required on 6/25/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/24/19. Off calendar. The court has issued an order continuing the hearings on the motions of Defendants Unify Financial Credit Union and Discover Bank to dismiss to 6/25/19 at 11:00 a.m. No appearances are required on 5/28/19.

Prior tentative ruling as of 4/15/19. Appearances are required on 4/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Defendant(s):**

Discover Bank

Represented By  
Holly J Nolan

Unify Credit Union

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Arturo Gonzalez**

**Chapter 7**

Brett P Ryan

Attorney Anerio Altman

Pro Se

Does 1-20

Pro Se

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#8.00**      Cont'd status conference re: Complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Credit Union fka Western Federal Credit Union 4) damages by any other party does, 1-20  
fr. 1/15/19, 4/16/19, 5/28/19

Docket      1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Because the court's ruling on the various motions may result in dismissal of some but not all parties and/or claims, the parties should comment on whether the court should apply Federal Rule of Civil Procedure 54(b) to enter final judgment as to some but not all claims and/or parties. Appearances are required on 6/25/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/24/19. Off calendar. The court has issued an order continuing the status conference to 6/25/19 at 11:00 a.m. No appearances are required on 5/28/19.

Prior tentative ruling as of 4/15/19. Off calendar. Continued to 5/28/19 at 1:30 p.m. by order entered on 4/10/19. No appearances are required on 4/16/19.

Prior tentative ruling. The court will conduct the status conference on its 2:30 p.m. calendar with the hearings of plaintiff's motion to file an amended complaint and defendant UNIFY Financial Credit Union's motion to dismiss rather than at 1:30 p.m. for the convenience of the parties and the court.

Appearances are required on 1/15/19 at 2:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Arturo Gonzalez**

**Chapter 7**

**Debtor(s):**

Arturo Gonzalez Pro Se

**Defendant(s):**

Discover Bank Pro Se

Unify Credit Union Pro Se

Attorney Anerio Altman Pro Se

Does 1-20 Pro Se

**Plaintiff(s):**

Arturo Gonzalez Pro Se

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:19-01126      Gonzalez v. Avery

**#9.00**      Hearing re: Motion by defendant and chapter 7 trustee to dismiss adversary action under FRCP 10(b)(b) for failure to state a claim on which relief can be granted

Docket      6

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Defendant(s):**

Wesley Avery

Represented By  
Brett B Curlee

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#10.00** Status conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 2/24/16, 4/6/16, 5/29/19

Docket 343

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19 to discuss scheduling of further proceedings, including discovery and trial.

Prior tentative ruling as of 5/2/16. Appearances are required on 5/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/4/16. The court has reviewed debtor's unilateral status report. No tentative ruling on the merits. Appearances are required on 4/5/16 to discuss status of mediation and scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 2/22/16. The court has reviewed debtor's unilateral status report. No tentative ruling on the merits. Appearances are required on 2/24/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/28/15. No tentative ruling on the merits. Appearances are required on 9/30/15 to discuss scheduling of pretrial and trial proceedings.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set schedule of pretrial and trial proceedings. Parties should advise the court on their pretrial and trial needs. The court also notes that claimant failed to

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**CONT... Sarkis Investments Company, LLC**

**Chapter 11**

provide a judge's copy of the opposition which have separately tabbed exhibits as required by Local Bankruptcy 5005-2(d) and will have to provide such copy.

Debtor's evidentiary objection to exhibits in support of the opposition appears to have merit, and while the court might sustain the objection, the court will afford an opportunity to claimant to support declarations to authenticate the exhibits as well as to provide the declaration of claimant under penalty of perjury to support the factual assertions in the opposition. The court is not satisfied that the declaration of counsel in support of the opposition is sufficient due to lack of foundation of the factual representations made therein. The court may continue the hearing for claimant to remedy these procedural deficiencies, or just set a litigation schedule. The court is not inclined to sustain the objection of debtor at this time without giving claimant an opportunity to cure the procedural deficiencies of the opposition in light of the amount of controversy and the facial validity of the arguments in the opposition supported by the exhibits (i.e., there appears to be a bona fide dispute about whether debtor was entitled to retain claimant's \$500,000 deposit if there were omissions of material fact regarding marketable title to the subject real property as alleged in the opposition. Appearances are required on 9/16/15.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Movant(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, June 25, 2019

Hearing Room 1675

1:30 PM

2:16-15322 Curtis C. Magleby

Chapter 11

Adv#: 2:19-01008 Magleby v. Levine et al

**#11.00** Cont'd status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a) fr. 3/26/19, 5/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. The court has reviewed plaintiff's unilateral status report requesting that the status conference be continued to 7/2/19 at 2:30 p.m. to be conducted with the hearing on defendants' motion to dismiss. The court on its own motion continues the status conference to 7/2/19 at 2:30 p.m. Counsel for plaintiff to notify counsel for defendants of the continuance. No appearances are required on 6/25/19.

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

Cindy S. Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

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1:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#12.00** Cont'd hearing re: Motion for summary judgment, or, alternatively, partial summary adjudication regarding nondischargeability of debt under 11 U.S.C. § 523 fr. 5/28/19

Docket 21

**\*\*\* VACATED \*\*\* REASON: Hearing vacated per order entered on 5/30/19-mb.**

**Tentative Ruling:**

Off calendar. Hearing vacated by order entered on 5/30/19. No appearances are required on 6/25/19.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Represented By  
Peter T Steinberg

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Michael Fischer  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#13.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt and for denial of discharge  
fr. 9/18/18, 3/12/19, 5/28/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 5/24/19. The status conference will be conducted with the hearing on plaintiff's motion for summary judgment on the court's 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 3/11/19. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 5/28/19 at 1:30 p.m. based on plaintiff's intention to notice a motion for summary judgment for hearing in April or May 2019. The court on its own motion continues the status conference to 5/28/19 at 1:30 p.m. No appearances are required on 3/12/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Richard L Barnett

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Richard L Barnett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, June 25, 2019**

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1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01121 Ehrenberg v. JYMK COSMETICS, INC. et al

**#14.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 11/6/18, 1/29/19, 4/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Corrected tentative ruling as of 4/15/19. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late June or early July 2019. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late January 2019. The court on its own motion continues the status conference to 1/29/19 at 1:30 p.m. Counsel for trustee to give notice if required because any defendant has appeared. No appearances are required on 11/6/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because default has been entered against defendant and plaintiff has

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CONT... Rama Krishna Chaparala

Chapter 7

represented that it intends to file a motion for default judgment shortly, the court on its own motion continues the status conference for about 60 days to 11/6/18 at 1:30 p.m. so plaintiff can file its motion for default judgment. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because defendants have not responded to the complaint and plaintiff intends to request entry of their default, the court is inclined to continue the status conference for about 60 days so plaintiff can file a request for entry of default. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

JYMK COSMETICS, INC.

Pro Se

In One Corporation

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01122 Ehrenberg v. Perfumerie, Inc. et al

**#15.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 11/6/18, 1/29/19, 4/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. The court has reviewed plaintiff's unilateral status report stating that the parties have reached a global settlement and are requesting a continuance of the status conference to finalize their settlement for about 60 to 90 days. Appearances are required on 6/25/19 by plaintiff's counsel only to obtain a continuance date for the parties and later to give notice of continuance to other counsel, but counsel may appear by telephone.

Corrected tentative ruling as of 4/15/19. The court has reviewed the joint status report, stating that the parties are considering exchanged settlement proposals and that they are requesting a continuance of the status conference for 60 days. Plaintiff also requests an extension of the discovery cutoff date for 90 days. However, the court has not yet issued a pretrial scheduling order setting a discovery cutoff date. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m. and sets the discovery cutoff date of 8/30/19. An updated status report is optional for the status conference on 6/25/19, but if one is filed, it would be appreciated if it is filed at least one week before. Plaintiff is ordered to submit a proposed scheduling order consistent with this tentative ruling on or before 4/19/19. No appearances are required on 4/16/19.

Prior tentative ruling as of 1/28/19. Off calendar. Continued by stipulation and order to 4/16/19 at 1:30 p.m. No appearances are required on 1/29/19.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

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Central District of California  
Los Angeles  
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Hearing Room 1675

1:30 PM

CONT... Rama Krishna Chaparala

Chapter 7

Prior tentative ruling as of 9/17/18. The court has reviewed the joint status reports indicating that the parties do not agree on a pretrial schedule and on whether the matter should be ordered to mediation. Appearances are required on 9/18/18 to discuss scheduling and mediation, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status reports. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Perfumerie, Inc.

Pro Se

Puja Lachmandas

Pro Se

Parvez Syed

Pro Se

Rajkumari Aswani

Pro Se

Naintara Jiwnani

Pro Se

Archana Jiwnani

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer

**United States Bankruptcy Court  
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Los Angeles  
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**CONT...**

**Rama Krishna Chaparala**

Michael Fischer

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01124 Ehrenberg v. Chaparala

**#16.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 11/6/18, 1/29/19, 4/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Corrected tentative ruling as of 4/15/19. The court has reviewed the joint status report, stating that the parties expect to engage in settlement negotiations after defendant submits a comprehensive declaration regarding his financial condition with a personal financial statement setting forth all of his assets, liabilities, income and expenses and that the parties are requesting a continuance of the status conference for 60 days. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. Plaintiff is ordered to submit a proposed scheduling order consistent with this tentative ruling on or before 4/19/19. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss whether the parties have had their early meeting of counsel and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/19, and as requested by plaintiff, a further status conference to 1/29/19 at 1:30 p.m. Appearances are required

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**CONT... Rama Krishna Chaparala Chapter 7**

on 11/6/18 to discuss scheduling and defendant's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 11/6/18 at 1:30 p.m., which request the court grants and continues the status conference to that date and time for the reasons stated in the status report. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed the joint status report. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#17.00** Cont'd hearing re: Debtor's Motion For The Entry Of An Order: (1) Approving The Sale Of Real Property Free And Clear Of All Liens, Claims, Encumbrances, And Interests, With The Exception Of Enumerated Exclusions, Subject To Overbid, (2) Finding That The Buyer Is Good Faith Purchaser, (3) Approving Bidding Procedures And Break-Up Fee, (4) Authorizing And Approving The Payment Of Certain Claims From Sale Proceeds, And (5) Waiving The Fourteen-Day Stay Period Set Forth In Bankruptcy Rule 6004(h)  
fr. 8/7/18, 1/8/19

Docket 276

**\*\*\* VACATED \*\*\* REASON: Case dismissed per order entered on 6/14/19  
-mb.**

**Tentative Ruling:**

Off calendar. The motion is moot because the case was dismissed by order entered on 6/14/19. No appearances are required on 6/25/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Tuesday, June 25, 2019

Hearing Room 1675

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01035 Grand View Financial, LLC v. Nations Direct Mortgage, LLC et al

**#18.00** Cont'd status conference re: Complaint for: (1) Declaratory relief; (2) Disallowance of any claims of PennyMac Loan Services, LLC; and (3) Violation of fair debt collection practices act  
fr. 10/2/18, 10/23/18, 1/8/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 4/30/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order on 4/30/19. No appearances are necessary.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

|                                      |        |
|--------------------------------------|--------|
| Nations Direct Mortgage, LLC         | Pro Se |
| Mortgage Electronic Registration     | Pro Se |
| Fidelity National Title aka Fidelity | Pro Se |
| PennyMac Loan Services, LLC          | Pro Se |
| PennyMac Corp.                       | Pro Se |
| Massachusetts Mutual Life            | Pro Se |

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#19.00** Order to show cause why sanctions should not be imposed against defendants and defendant's attorney for failure to appear at the January 29, 2019 status conference hearing

Docket 65

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 7/16/19 at 2:00 p.m.  
per order entered on 6/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 7/16/19 at 2:00 p.m. by prior order. No appearances are required on 6/25/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11148 Jong J Kim**

**Chapter 7**

Adv#: 2:18-01134 Shon et al v. Kim et al

**#20.00** Cont'd status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(A) & (a)(6) and 11 U.S.C. §§727(a)(3)-(4), and declaratory relief fr. 7/31/18, 9/18/18, 3/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Schedule a pretrial conference for this adversary proceeding if the matter is not being settled. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. The court has reviewed the stipulation of the parties regarding continuance of scheduled dates and hearings filed on 2/27/19 and based on that stipulation, set a new discovery cutoff date of 5/29/19 and a post-discovery status conference on 6/25/19 at 1:30 p.m. (status conferences are held on Tuesdays at 1:30 p.m.) with a joint status report due on 6/18/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 4/15/19 and complete mediation by 6/25/19. No appearances are required on 9/18/18. Plaintiffs to submit a proposed scheduling order within 7 days.

Prior tentative ruling as of 9/17/18. Set a discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/26/19 at 1:30 p.m. with a joint status report due on 3/19/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 10/31/18 and complete mediation by 3/26/19. Appearances are required on 9/18/18, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of the status conference.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 7/31/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status reports filed by the parties. The court continues the status conference to 7/31/18 at

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, June 25, 2019

Hearing Room 1675

1:30 PM

CONT...

**Jong J Kim**

**Chapter 7**

2:30 p.m. to be conducted with the hearing on defendants' amended motion to dismiss. No appearances are required on 7/10/18.

Although the parties failed to file a timely joint status report as required by Local Bankruptcy Rule 7016-1 and the court's status conference order, the court will not require at this time for the parties to file an updated and amended joint status report in light of the pendency of defendants' motion to dismiss.

However, the court notes that plaintiff has a jury trial demand on the face of the complaint, which the court will strike because there is no right to a jury trial on debt dischargeability and discharge denial claims in the adversary proceeding. The court also notes that the parties' consent to this court's jurisdiction to enter a final judgment on these core claims is not needed.

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| <b>Party Information</b> |
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**Debtor(s):**

Jong J Kim

Represented By  
M Teri Lim

**Defendant(s):**

Jong Joo Kim

Pro Se

Sun Y Kim

Pro Se

**Joint Debtor(s):**

Sun Y Kim

Represented By  
M Teri Lim

**Plaintiff(s):**

Kevin Shon

Represented By  
Jason Shon

Sunny Shon

Represented By  
Jason Shon

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Jong J Kim**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-14690 Angela Maria Porcell Smith**

**Chapter 7**

Adv#: 2:18-01231 Mercedes-Benz Financial Services USA LLC, as servi v. Smith

**#21.00** Cont'd status conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §§ 523(a)(6) and 523(a)(2)(A)]  
fr. 9/6/18, 3/12/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 7/30/19 at 1:30 p.m.  
per stip & order entered on 6/14/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 7/30/19 at 1:30 p.m. No appearances are required on 6/25/19.

**Party Information**

**Debtor(s):**

Angela Maria Porcell Smith

Represented By  
Beatriz Chen

**Defendant(s):**

Angela Maria Porcell Smith

Pro Se

**Joint Debtor(s):**

Michael S. Smith

Represented By  
Beatriz Chen

**Plaintiff(s):**

Mercedes-Benz Financial Services

Represented By  
Rebecca A Caley

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22604 Catalina Rangel**

**Chapter 7**

Adv#: 2:19-01027 Paul-Goff v. Rangel

**#22.00** Cont'd status conference re: Object/revocation of discharge; dischargeability - false pretense/representation; dischargeability - willful and malicious injury fr. 4/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Set the matter for trial if the matter is not settled. Appearances are required on 6/25/19.

No tentative ruling as of 4/1/19. Appearances are required on 4/2/19.

**Party Information**

**Debtor(s):**

Catalina Rangel

Represented By  
Rabin J Pournazarian

**Defendant(s):**

Catalina Rangel

Pro Se

**Plaintiff(s):**

Sameria E. Paul-Goff

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#23.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 3/26/19, 4/16/19, 5/28/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 7/30/19 at 1:30 p.m.  
per stip & order entered on 5/30/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 7/30/19 at 1:30 p.m. No appearances are required on 6/25/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10693 Manuel Isidoro Alderete**  
Adv#: 2:19-01119 Lopez v. Alderete

**Chapter 7**

**#24.00** Status conference re: Complaint to determine dischargeability of debt

Docket 1

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation pursuant to FRCP 41(a)(1)(A)(ii) and FRBP 7041. No appearances are necessary.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Manuel Isidoro Alderete

Represented By  
Robert M Aronson

**Defendant(s):**

Manuel Isidoro Alderete

Pro Se

**Plaintiff(s):**

Maria Hernandez Lopez

Represented By  
Scott A Mattingly

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01351 Mover v. Jaurigui

**#24.10** Order (1) to show cause why sanctions should not be imposed against plaintiff's attorney Steven R. Fox; and (2) continuing status conference

Docket 14

**Tentative Ruling:**

No tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

Jonathan Mover

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01351 Mover v. Jaurigui

**#24.20** Cont'd status conference re: Complaint for nondischargeability under 11 U.S.C. §§523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4)  
fr. 1/8/19, 6/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Jonathan Mover

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

**#24.30** Order (1) to show cause why sanctions should not be imposed against plaintiff's attorney Steven R. Fox; and (2) continuing status conference

Docket 15

**Tentative Ruling:**

No tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

**#24.40** Cont'd status conference re: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4) fr. 1/8/19, 6/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#25.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 2/5/19, 4/30/19, 4/25/19

Docket 118

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. Off calendar. Continued by stipulation and order to 2/5/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits.  
Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 2/7/18 at 2:00 p.m. No appearances are required on 2/24/18.

**Party Information**

**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#26.00** Cont'd pretrial conference re: Complaint to determine nondischargeability of debt (11 U.S.C. §§523(a)(2) and (a)(6))  
fr. 5/16/18, 7/17/18, 1/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 10/1/19 at 2:00 p.m.  
per stip & order entered on 5/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued by stipulation and order to 10/1/19 at 2:00 p.m. No appearances are required on 6/25/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01158 Carter et al v. Martinez

**#27.00** Cont'd pretrial conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)2)(A) & (6)] fr. 11/13/18, 2/5/19, 5/7/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/18. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/19/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 6/18/18. No tentative ruling on the merits. Appearances are required on 6/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report filed by defendant. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Lance Carter

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

Jean Holmes

Represented By  
Dana M Douglas

Carriage Estates LLC

Represented By  
Dana M Douglas

Adamantine Investments LLC

Represented By  
Dana M Douglas

Sterling Holdings LLC

Represented By  
Dana M Douglas

Lance Carter IRA 419990

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, June 25, 2019

Hearing Room 1675

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#28.00** Pretrial conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs  
fr. 7/17/18, 10/16/18, 1/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 10/1/19 at 2:00 p.m.  
per order entered on 6/12/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued to 10/1/19 at 2:00 p.m. by prior order. No appearances are required on 6/25/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss scheduling and possibility of mediation, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The status conference will be conducted with the hearings on the motions to dismiss and strike on the 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 7/16/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 7/17/18 at 2:30 p.m., the date and time of the hearings on defendant Curtis's motion to dismiss and defendant Ammec's motion to set aside default. Plaintiff to give written notice of continuance of status conference. No appearances are required on 7/10/18.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

John-Patrick M Fritz

**Defendant(s):**

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#29.00** Hearing re: Motion of plan agent pursuant to F.R.C.P 54(b) for entry of final judgment against ACE Museum on the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth claims for relief in the fifth amended consolidated complaint

Docket 586

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/25/19 to 6/26/19 at 2:00 p.m.  
per stip & order entered on 6/19/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 6/26/19 at 2:00 p.m. No appearances are required on 6/25/19.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Defendant(s):**

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By  
Michael W Vivoli  
Ashley M McDow  
Ronald Rus  
Fahim Farivar



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell

Jennifer Kellen

Represented By  
Michael D Sobkowiak

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

**Plaintiff(s):**

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

Adv#: 2:15-01122 Howard Grobstein as Liquidating Trustee of L. Scot v. Sharron et al

**#30.00** Hearing re: Defendant Lowell Sharron's motion under bankruptcy Rule 8007 for stay of execution of judgment pending appeal

Docket 212

**Tentative Ruling:**

Revised tentative ruling as of 6/24/19. The court is inclined to grant the stay pending appeal because the appeal presents serious questions, there is evidence of irreparable harm if defendant's house is sold and he and his family would have to move pending appeal, the balance of hardships favors defendant since plaintiff has a lien on the house and defendant can post a bond and public interest is not a relevant factor since this dispute only involves private parties. Plaintiff needs to explain why the amount of the bond proposed by defendant is insufficient. Appearances are required on 6/25/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Defendant(s):**

Lowell S. Sharron

Represented By  
Lloyd S Mann

Beyond Basics, LLC dba Daily

Represented By  
Lloyd S Mann

**Plaintiff(s):**

Howard Grobstein as Liquidating

Represented By  
Brian L Davidoff  
Courtney E Norton

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... L Scott Apparel Inc.**

Lori L Werderitch  
Keith Patrick Banner

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-14690 Angela Maria Porcell Smith and Michael S. Smith**

**Chapter 7**

**#31.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Brad D. Krasnoff, Chapter 7 Trustee]

Docket 29

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 6/25/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Angela Maria Porcell Smith

Represented By  
Beatriz Chen

**Joint Debtor(s):**

Michael S. Smith

Represented By  
Beatriz Chen

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, June 25, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#32.00** Hearing re: Motion for order authorizing use of estate property not in the ordinary course of business to cause DPE Investment, Inc. to dissolve fr. 5/15/19

Docket 65

**Tentative Ruling:**

Revised tentative ruling of 6/24/19. No tentative ruling on the merits. Since there is already a certificate of dissolution filed with the Secretary of State for DPE, debtor will need to explain what other work needs to be done to perfect transfer of title of the assets of DPE to the estate that would warrant expense and use of estate property for such expense, and debtor should provide an estimate of such expense. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 6/25/19 at 2:30 p.m. No appearances are required on 5/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-60711 Brunelle Equities LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 8/29/18, 11/28/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Brunelle Equities LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-12977 Dowent Family LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/29/18, 8/1/18, 10/3/18

Docket 1

**Tentative Ruling:**

No tentative ruling as of 6/24/19. Appearances are required on 6/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dowent Family LLC

Represented By  
Todd C. Ringstad

**Movant(s):**

Dowent Family LLC

Represented By  
Todd C. Ringstad



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr. 4/17/19, 5/1/19, 5/15/19

Docket 482

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 5/1/19, 5/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#5.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 8/29/18, 11/28/18, 2/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/27/19, 4/10/19, 4/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#7.00** Cont'd status conference re: Post confirmation of plan  
fr. 7/11/18, 11/28/18, 3/27/19

Docket 62

**\*\*\* VACATED \*\*\* REASON: Vacating hearing and setting scheduling  
hearing on 6/11/19 at 2:30 p.m. per order entered on 6/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. The status conference was rescheduled to 8/28/19 at 11:30 a.m. by order entered on 6/19/19. No appearances are required on 6/26/19.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling. The disclosure statement does not contain adequate information. Regarding treatment of secured claims, the text in the plan refers to Article II, but no Article II is attached. Exhibit C to the plan refers to certain notes for each claim, but these notes do not adequately spell out the treatment of the primary secured claim to Wells Fargo Bank, the senior secured lender for the loan on debtor's residence. The disclosure statement should have a more detailed description of how this claim will be treated under the plan. The plan itself is not much better. It is hard to tell what is being proposed for treatment of the claim. The disclosure statement and plan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

will have to be revised for sake of clarity. If this is a cramdown situation, it does not appear that a 40 year payout is fair and equitable for this creditor, and debtor should probably consider taking out this creditor when the loan matures under the existing terms. Appearances are required on 3/21/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

Adv#: 2:19-01032 Tilem v. Kudrave

**#8.00** Cont'd status conference re: Complaint to vacate order of confirmation as having been procured through fraud (11 U.S.C. §1144) fr. 4/2/19, 4/30/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Vacating hearing and setting scheduling hearing on 6/11/19 at 2:30 p.m. per order entered on 6/6/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the adversary proceeding was dismissed by order entered on 6/19/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Pro Se

**Defendant(s):**

Peter G. Kudrave

Pro Se

**Plaintiff(s):**

David A Tilem

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#9.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 170

**\*\*\* VACATED \*\*\* REASON: Resolved per stip & order entered on  
6/10/19-mb.**

**Tentative Ruling:**

Off calendar. The motion was resolved by stipulation and order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Fox Property Holdings, LLC

Represented By

Timothy J Yoo

Juliet Y Oh

Levene, Neale, Bender, Yoo & Brill LLP



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#10.00** Cont'd status conference re: Motion for issuance of order directing Nobel Textile, Inc. and its counsel, Nico Tabibi of Law Offices of Nico N. Tabibi, APC, to show cause why they should not be held in civil contempt for willful violation of the automatic stay fr. 12/18/18, 2/5/19, 4/30/19

Docket 47

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

Updated tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling. There is no proof of service that debtor served respondent and its counsel as ordered by the court in the order to show cause, and therefore, the court will continue the hearing so debtor can make such service (despite BNC notice). Otherwise, no tentative ruling on the merits. Appearances are required on 12/18/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 6/27/18, 10/24/18, 2/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#12.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/5/18, 12/12/18, 3/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case converted to chapter 7 per order  
entered on 5/30/19-mb.**

**Tentative Ruling:**

Off calendar. The Chapter 11 status conference is moot because the case  
was converted to Chapter 7. No appearances are necessary.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#14.00** Cont'd hearing re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 4/17/19, 5/1/19, 5/8/19

Docket 115

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/26/19 to 7/31/19 at 1:30 p.m.  
per order entered on 6/21/19-st**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued to 7/31/19 at 1:30 p.m. by prior order. No appearances are required on 6/26/19.

Prior tentative ruling. Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust, which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007). The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the redacted matter is privileged. Debtor as the objecting party must carry its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky,

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Wednesday, June 26, 2019

Hearing Room 1675

1:30 PM

CONT...

**Raeisi Group, Inc**

**Chapter 11**

2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

**Party Information**

**Debtor(s):**

Raeisi Group, Inc

Represented By

Christopher P Walker

**Movant(s):**

Raeisi Group, Inc

Represented By

Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 4/3/19, 5/15/19, 5/29/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. Off calendar. The court on its own motion continues the hearing to be conducted with the continued hearing on plan agent's motion for protective order scheduled for 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion of plan agent for protective order re 2004 examination requested by Douglas James Christmas fr. 5/15/19, 5/29/19

Docket 2445

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#17.00** Cont'd hearing re: Motion of plan agent pursuant to F.R.C.P 54(b) for entry of final judgment against ACE Museum on the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth claims for relief in the fifth amended consolidated complaint fr. 6/25/19

Docket 586

**Tentative Ruling:**

No tentative ruling as of 6/24/19. Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

|                                   |   |
|-----------------------------------|---|
| Art and Architecture Books of the | Represented By<br>Thomas M Geher<br>David W. Meadows<br>Jerome S Cohen<br>Carolyn A Dye |
|-----------------------------------|---|

**Defendant(s):**

|                                   |  |
|-----------------------------------|--|
| Ace Gallery New York Corporation, | Represented By<br>Alan W Forsley                     |
| Douglas Christmas                 | Represented By<br>Alan W Forsley                     |
| Ace Gallery New York, Inc., a     | Represented By<br>Alan W Forsley                     |
| ACE MUSEUM, a California          | Represented By<br>Alan W Forsley                     |
| 400 S La Brea, LLC a California   | Represented By<br>Michael W Vivoli<br>Ashley M McDow |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, June 26, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Ronald Rus  
Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell

Jennifer Kellen

Represented By  
Michael D Sobkowiak

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 27, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#1.00** Cont'd hearing re: Disclosure statement  
fr. 5/15/19

Docket 277

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/27/19 to 7/17/19 at 11:00 a.m.  
per stip & order entered on 5/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 6/27/19.

Prior tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 27, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/27/19, 4/3/19, 5/15/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/27/19 to 7/17/19 at 11:00 a.m.  
per stip & order entered on 5/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 6/27/19.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 7/13/18 and proposed date for filing a disclosure statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 27, 2019**

**Hearing Room 1675**

10:00 AM

**CONT... Catherine Trinh**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 27, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#1.00** Cont'd hearing re: Disclosure statement  
fr. 5/15/19

Docket 277

**\*\*\* VACATED \*\*\* REASON: Cont'd from 6/27/19 to 7/17/19 at 11:00 a.m.  
per stip & order entered on 5/30/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 6/27/19.

Prior tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, June 27, 2019

Hearing Room 1675

10:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#2.00 Cont'd status conference re: Management of chapter 11 case  
fr. 3/27/19, 4/3/19, 5/15/19

Docket 1

\*\*\* VACATED \*\*\* REASON: Cont'd from 6/27/19 to 7/17/19 at 11:00 a.m.  
per stip & order entered on 5/30/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 6/24/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 6/27/19.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 7/13/18 and proposed date for filing a disclosure statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, June 27, 2019**

**Hearing Room 1675**

10:00 AM

**CONT... Catherine Trinh**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)

Docket 87

**Tentative Ruling:**

No tentative ruling in light of debtor's opposition to the motion. Treat as a contested matter under FRBP 9014 because there are disputed issues of material fact as to whether cause is shown for lack of adequate protection under 11 U.S.C. 362(d) and set an evidentiary hearing to resolve disputed issues of material fact. Deny stay relief under 11 U.S.C. 362(d)(2) since the moving papers state debtor has equity in the collateral and thus, movant has failed to meet its burden of demonstrating lack of equity in the collateral under 11 U.S.C. 362(g)(1). Given the amount in controversy, the parties are encouraged to consider settlement. Appearances are required on 7/2/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Donald Justice VS Debtor)

Docket 61

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12169 Nicholas Loucks**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Nicholas Loucks

Represented By  
Eliza Ghanooni

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14694 Tina Chan Policarpio**

**Chapter 7**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(Bank of America, N.A. VS Debtor)

Docket 14

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Tina Chan Policarpio

Represented By  
Lawrence B Yang

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15003 Sonny Forno**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Navy Federal Credit Union VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Sonny Forno

Represented By  
Steven A Alpert

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15735 Brenda Venegas**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Southland Credit Union VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Brenda Venegas

Represented By  
D Justin Harelik

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16193 Laswell Gerald**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Federal National Mortgage Association VS Debtor)

Docket 8

**Tentative Ruling:**

Although the bankruptcy case was dismissed on 6/17/19, the stay relief motion is not moot since movant requests extraordinary relief, including stay annulment, relief under 11 U.S.C. 362(d)(4) and stay relief as to any other debtor claiming an interest in the property for 180 days. However, movant has not made the showing of entitlement to stay annulment based on the factors set forth in *In re Gasprom, Inc.*, 500 B.R. 598, 607-608 (9th Cir. BAP 2013). Moreover, movant has not made an evidentiary showing how the elements of 11 U.S.C. 362(d)(4) have been met, i.e., either there was a transfer unconsented to by the secured creditor or multiple bankruptcy cases have been filed affecting the property. Finally, movant has not provided a legal and/or evidentiary basis to grant stay relief in future cases of other parties without further notice which presents due process concerns. In *re Van Ness*, 399 B.R. 897, 905-906 (Bankr. E.D. Cal. 2009). Unless movant addresses these concerns, the court is inclined to deny the motion as moot and without prejudice to filing an amended motion addressing the concerns raised regarding the claims for extraordinary relief. Appearances are required on 7/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Laswell Gerald

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#7.10** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank N.A. VS Debtor)  
fr. 6/25/19

Docket 598

**Tentative Ruling:**

Updated tentative ruling as of 7/1/19. The court has reviewed the corrected exhibit in support of the motion filed on 6/28/19, which includes the APN (assessor's parcel number), though no legal description, on Exhibit 9 to the motion, which was the grant deed purportedly transferring the subject property to debtor under his DBA. However, there are no APNs on the loan documents for the loan on the subject property that match the one on corrected Exhibit 9 because the APNs were redacted or not listed on the loan documents. Accordingly, there is still insufficient evidence to show that the grant deed is related to the subject property, and the court is inclined to deny the motion without prejudice so that movant can submit adequate evidence to demonstrate there has been an unconsented to transfer relating to the subject property by the borrower to establish a prima facie case for relief under 11 U.S.C. 362(d)(4). Appearances are required on 7/2/19, but counsel may appear by telephone.

Prior tentative ruling. Deny without prejudice because movant has not shown how the stay from this bankruptcy case affects this property. Exhibit 9 is missing the attached legal description of the property which would apparently tie in this property to the debtor; the reference to the borrower on the deed as the person requesting recordation of the deed is insufficient to tie the property to the debtor. Otherwise, the moving papers do not show how the bankruptcy case relates to the property. Deny request for extraordinary relief in paragraph 3 of the prayer for relief to allow stay relief to work out a potential forbearance agreement with the debtor for lack of legal support because debtor was not the borrower on the loan agreement. Appearances are required on 6/25/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Chul Hyun Gong**

**Chapter 7**

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:18-01379 Avery v. Prototype Engineering & Manufacturing, Inc. et al

**#8.00** Cont'd status conference re: Plaintiff's complaint for substantive consolidation of Prototype Engineering & Manufacturing, Inc., Bahram Bordbar, individually, and as trustee of the Bordbar Family Trust, and Malahat Bordbar, individually, and as trustee of the Bordbar Family Trust  
fr. 1/29/19, 3/5/19, 3/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order dismissing adv proceeding without prejudice-mb.**

**Tentative Ruling:**

Off calendar. Since plaintiff did not file and serve an amended complaint, the adversary proceeding is to dismissed by prior order. The court will issue an order for dismissal without prejudice. No appearances are required on 7/2/19.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Prototype Engineering &

Pro Se

Bahram Bordbar

Pro Se

Malahat Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Prototype Engineering & Manufacturing, Inc.**

Carmela Pagay

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01011 Miller v. Agopian

**#9.00** Cont'd status conference re: Complaint (1) avoidance and recovery of fraudulent transfer; (2) for declaratory relief; (3) turnover of property; and (4) sale of interest of co-owner in property of the estate  
fr. 3/26/19, 5/28/19

Docket 1

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by plaintiff's notice of voluntary dismissal filed on 6/18/19. No appearances are required on 7/2/19.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

Adv#: 2:19-01012 Miller v. Agopian et al

**#10.00** Cont'd status conference re: Complaint (1) for declaratory relief; (2) turnover of property; and (3) sale of interest of co-owner in property of the estate fr. 3/26/19, 5/28/19

Docket 1

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by plaintiff's notice of voluntary dismissal filed on 6/18/19. No appearances are required on 7/2/19.

**Party Information**

**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Defendant(s):**

Simon Agopian

Pro Se

Armen Agopian

Pro Se

**Plaintiff(s):**

Elissa D. Miller

Represented By  
Anthony A Friedman

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#11.00** Hearing re: Motion to reopen discovery, motion to implement the standard used by the 9th Circuit in the Honorable Judge Kwan's findings of facts and conclusion of law in the final decision in the homestead matter

Docket 401

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 6/27/19-mb.**

**Tentative Ruling:**

Off calendar. The court took the motions under submission after dispensing with oral argument and vacating the hearings and has issued an order ruling on the motions. No appearances are required on 7/2/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#12.00** Hearing re: Motion to modify the transcript or to transcribe the 341 meeting of creditors held on 12-15-16, motion to implement the standard used by the Circuit in the Honorable Judge Kwan's findings of facts and conclusion of law in the final decision in the revocation matter

Docket 146

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 6/27/19-mb.**

**Tentative Ruling:**

Off calendar. The court took the motions under submission after dispensing with oral argument and vacating the hearings and has issued an order ruling on the motions. No appearances are required on 7/2/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Plaintiff(s):**

|                 |                                  |
|-----------------|----------------------------------|
| Wesley H. Avery | Represented By<br>Brett B Curlee |
|-----------------|----------------------------------|

**Trustee(s):**

|                     |   |
|---------------------|---|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee<br>Dennis E McGoldrick |
|---------------------|---|



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#13.00** Hearing re: Defendants' motion to dismiss plaintiff's complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a)

Docket 16

**Tentative Ruling:**

Off calendar. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Represented By  
Anthony J Rothman Esq

April M. Zonnis

Represented By  
Anthony J Rothman Esq

Summers, Levine & Kretzmer, LLP

Represented By  
Anthony J Rothman Esq

Cindy S. Magleby

Represented By  
Anthony J Rothman Esq

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#13.10** Cont'd status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a) fr. 3/26/19, 5/14/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/1/19. Off calendar. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

Prior tentative ruling as of 6/24/19. Off calendar. The court has reviewed plaintiff's unilateral status report requesting that the status conference be continued to 7/2/19 at 2:30 p.m. to be conducted with the hearing on defendants' motion to dismiss. The court on its own motion continues the status conference to 7/2/19 at 2:30 p.m. Counsel for plaintiff to notify counsel for defendants of the continuance. No appearances are required on 6/25/19.

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT...**      **Curtis C. Magleby**  
Cindy S. Magleby

Pro Se

**Chapter 11**

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, July 2, 2019**

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**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#14.00** Hearing re: Motion for authority to enter into "settlement agreement and mutual release" resolving reorganized debtor's objection to second (revised) and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses (dckt. no. 617)

Docket 649

**Tentative Ruling:**

Grant debtor's motion to enter into settlement agreement and mutual release resolving reorganized debtor's objection to second (revised) and final application of Levene Neale Bender Yoo and Brill LLP for approval of fees and expenses for the reasons stated in the moving and reply papers and overrule the objections of 7175 WB whose rights are not affected by the settlement because it still has the rights to litigate its objections to the fee application. Appearances are required on 7/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#15.00** Hearing re: Motion to dismiss first amended complaint pursuant to FRCP 12(b)(6) and FRBP 7012

Docket 31

**Tentative Ruling:**

Revised tentative ruling as of 7/1/19 at 5:00 p.m. Grant Levene Neale's motion to dismiss 7175's first amended complaint for failure to state a claim upon which relief can be granted; deny leave to amend because amendment would be futile. See *National Council of La Raza v. Cegavske*, 800 F.3d 1032, 1041 (9th Cir. 2015); *Thinket Ink Information Resources, Inc. v Sun Microsystems, Inc.*, 368 F.3d 1053, 1061 (9th Cir. 2004). Grant Levene Neale's anti-SLAPP motion to strike 7175's first amended complaint. Appearances are required on 7/2/19, but counsel may appear by telephone.

**Motion to Dismiss**

None of the federal statutes cited by 7175, 11 U.S.C. §§ 327, 328, 330 and 1107 and 28 U.S.C. § 959(b), provide for a private right of action for it as a creditor of the bankruptcy estate to sue Levene Neale, the attorneys for the debtor in possession, for monetary damages. The statutory language does not provide for such a private right of action.

Although there is no controlling Ninth Circuit case precedent, the better rule does not recognize that counsel for the debtor in possession owes a fiduciary duty to creditors such as 7175. *Hansen, Jones & Leta, P.C. v. Segal*, 220 B.R. 434 (D. Utah 1998); *ICM Notes, Ltd. v. Andrews & Kurth, L.L.P.*, 276 B.R. 117 (S.D. Tex. 2002); *contra, In re Count Liberty, LLC*, 370 B.R. 259 (Bankr. C.D. Cal. 2007); see also, 9 Norton, *Norton Bankruptcy Law & Practice*, Duties of DIP counsel, §172.6 (3rd ed. Online ed. April 2019 update); Feeney, Williamson and Stepan, *Bankruptcy Law Manual*, Professionals-Retention of professionals; Freeman, "Are DIP and Committee Counsel Fiduciaries for Their Clients' Constituents or the Bankruptcy Estate?"

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CONT... **Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

What is a Fiduciary, Anyway?," 17 American Bankruptcy Institute Law Journal 291 (2009). Fiduciary duties, § 4.20 (5th ed. Online ed. June 2019 update). Contrary authority cited by 7175, including dicta in *In re Perez*, 30 F.3d 1209, 1219 (9th Cir. 1994), although purportedly the majority position, is not as persuasive because of the dual role of the DIP and the debtor. 9 Norton, *Norton Bankruptcy Law & Practice*, Duties of DIP counsel, §172.6, *citing* Freeman, *supra*. The DIP is also the debtor, need not be disinterested, need not investigate the debtor's actions and may bargain for equity and seek cramdown under a plan, and individual debtors may use estate property for personal needs. *Id.* However, the DIP has fiduciary duties to creditors and the estate, and must meet fiduciary duties while balancing such duties with its own self-interests. *Id.* If the debtor/DIP is a single client with fiduciary duties, one firm can represent it. *Id.* If the estate is considered the client, the debtor client does not disappear and its interests are not always aligned with those of the estate, and a lawyer cannot represent multiple clients, even with consent, when negotiating or litigating between them. *Id.* The so-called majority view represented by *In re Count Liberty, LLC* cannot reconcile lawyer's ethical duty to avoid representing adverse interests with acting in a fiduciary capacity for both the DIP and the estate, and indirectly, creditors.

Although 7175 argues that it has standing to bring this complaint because it was assigned such a right in the confirmed plan, the assigned claims are limited to Debtor's alleged pre-confirmation concealment of potential insurance coverages and other insurance-related information. Specifically, in the confirmed Plan, the Debtor "assigns to 7175 WB any and all of the Debtor's claims against third parties . . . arising from (i) alleged pre-confirmation failures by the Debtor to obtain insurance policies compliant with the provisions of the Debtor's former lease . . . and (ii) alleged pre-confirmation failures by the Debtor to disclose potential insurance coverages for damages and losses to the Willoughby Property and to allegedly provide other insurance-related information . . . ," and "policies procured by the Debtor, as Lessee, relating to the Willoughby Property . . . ." 7175's assignment does not include the unlimited right to sue the Debtor's counsel for malpractice or preparation of bankruptcy schedules.

Most of the alleged conduct of Levene Neale in the first amended complaint

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CONT... **Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

(e.g., proposing an allegedly unconfirmable reorganization plan) is subject to the litigation privilege under California Civil Code § 47 and the federal Noerr-Pennington doctrine. However, while Levene Neale is entitled to claim the litigation privilege under California Civil Code § 47 and the federal Noerr-Pennington doctrine as to this conduct, fraud is an exception to the litigation privilege. California Civil Code § 47; *Theme Promotions, Inc. v. News America Marketing, FSI*, 546 F.3d 991, 1007 (9th Cir. 2008). *Nilsen v. Nielson (In re Cedar Funding, Inc.)*, 419 B.R. 807, 824 (9th Cir. BAP 2009). Attorneys, including Levene Neale, have an independent duty not to commit fraud and not to knowingly misrepresent facts to a third party, such as 7175, and the duty not to commit fraud would seem to be a matter of both federal and state common law. *Berg & Berg Enterprises, LLC v. Sherwood Partners, Inc.*, 131 Cal.App.4th 802, 824-835 (2005). Thus, the only alleged conduct of Levene Neale in the complaint that would not be subject to the litigation privilege would be affirmative fraud.

However, the fraud allegations in 7175's first amended complaint (and in the original complaint) pertain *only to the alleged misrepresentations of Swing House and Jaurigui*, Debtor and its insider, not to any misrepresentations made by Levene Neale, DIP counsel. In the original complaint, 7175 alleged: "During discovery conducted in the Superior Court Action, 7175 WB propounded Form Interrogatories on Swing House . . . [and] Swing House's response to this Form Interrogatory was 'No.'" ECF 1 at 3, ¶ 15. It also made allegations about "*Swing House's Post-Petition Misrepresentations Regarding The Existence Of Insurance.*" *Id.* at 4-5, ¶¶ 21-22 (emphasis added). Nowhere in the original complaint are there allegations about *Levene Neale's* alleged fraud. In the first amended complaint, after amending its original complaint in response to a motion to dismiss, 7175 reiterates its allegations that *Swing House* made misrepresentations regarding insurance policies, but these statements were not made by Levene Neale. Specifically, 7175 in the first amended complaint alleges that "Defendant, *in preparing Swing House's bankruptcy schedules*, had not disclosed the existence of any insurance . . . ." ECF 23 at 5, ¶ 27. This allegation cannot form the basis of a misrepresentation *by Levene Neale* because bankruptcy schedules were verified under penalty of perjury by Debtor's insider, its president and

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CONT... **Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

secretary, Philip Jaurigui, not Levene Neale. Similarly, in the first amended complaint, 7175 attempts to impute statements made by Jaurigui onto Levene Neale. 7175 alleges that "Defendant stated . . . Mr. Jaurigui replied under oath that there was and is no insurance available to cover [Plaintiff]'s claims," *id.* at 7, ¶ 28, but then immediately thereafter says it was *Levene Neale* that made this statement: "At the time Defendant made such representations, Defendant knew or should have known that such sworn statement, i.e., that 'there was and is no insurance available to cover [Plaintiff]'s claims,' was false," *id.* at 7, ¶ 29. Like the allegation in ¶ 27 of the first amended complaint, this allegation cannot form the basis of a misrepresentation by *Levene Neale* because Levene Neale was not stating that there was no insurance available; rather, Levene Neale was stating that *Jaurigui* testified that there was no insurance available. Such allegations cannot form the basis of fraud that would constitute an exception to the litigation privilege.

Thus, the court is inclined to grant Levene Neale's motion to dismiss 7175's first amended complaint for failure to state a claim upon which relief can be granted and to deny leave to amend because amendment would be futile. *See National Council of La Raza v. Cegavske*, 800 F.3d 1032, 1041 (9th Cir. 2015); *Thinket Ink Information Resources, Inc. v Sun Microsystems, Inc.*, 368 F.3d 1053, 1061 (9th Cir. 2004).

**Special Motion to Strike**

Even though the court will grant Levene Neale's motion to dismiss the first amended complaint, Levene Neale's anti-SLAPP motion to strike is not moot because a defendant prevailing on an anti-SLAPP motion is entitled to attorneys' fees. California Code of Civil Procedure § 425.16(c); *White v. Lieberman*, 103 Cal. App. 4th 210, 220 (2002).

The first prong, making a prima facie showing that the SLAPP suit arises from the defendant's right of petition, is satisfied since the first amended complaint is based on Levene Neale's statements and conduct as general bankruptcy counsel to the debtor in possession in the underlying bankruptcy case before this court. The burden then shifts to 7175 as the SLAPP plaintiff, 7175, to demonstrate it has a probability of prevailing on the claim. As discussed above, 7175 has not alleged a cause of action that would provide it the



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CONT... **Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

remedy it seeks. Levene Neale owed no duty to 7175 as a creditor, and the majority of the alleged conduct is subject to the litigation privilege. As to the allegations of fraud (i.e., misrepresentation), those allegations pertain only to Swing House or Jaurigui and not to Levene Neale. Since 7175 has failed to state a claim for which relief can be granted and cannot amend to state such a claim, 7175 has not demonstrated a probability of prevailing on its claims.

7175 contends that the anti-SLAPP statute is not applicable because it "may not be applied to matters involving federal questions, particularly those involving federal questions of bankruptcy law." *See Restaino v. Bah (In re Bah)*, 321 B.R. 41, 46 (9th Cir. BAP 2005). However, although 7175 invokes federal bankruptcy statutes in the first amended complaint, those statutes do not provide for any of the causes of action alleged in the first amended complaint, which seems to read mostly as a malpractice lawsuit. Since 7175 fails to state a claim for which relief can be granted, the anti-SLAPP statute is applicable because the claims do not involve federal questions of bankruptcy law. Moreover, 7175 also fails to meet its burden of establishing a likelihood of prevailing. Thus, the anti-SLAPP Motion should be granted.

Levene Neale requests that the anti-SLAPP Motion be granted with prejudice and without leave to amend. "Once the trial court has determined the speech at issue is constitutionally protected, it may not grant leave to amend to omit facts to take the claim out of the protection of § 425.16. Allowing an amendment once the court finds the [plaintiff's] prima facie showing has been met would completely undermine the statute by providing the pleader a ready escape from section 425.16's quick dismissal remedy." *Mobile Medical Services for Physicians and Advanced Practice Nurses, Inc. v. Rajaram*, 241 Cal. App. 4th 164, 171, (2015). This provides the plaintiff "with a second opportunity to disguise the vexatious nature of the suit through more artful pleading." *Id.* Since leave to amend would undermine the statute, the anti-SLAPP Motion will be granted with prejudice and without leave to amend.

No tentative ruling as of 7/1/19 as 12:30 p.m. Appearances are required on 7/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**CONT... Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Represented By  
Jason Wallach  
Allen L Michel

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
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**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#16.00** Hearing re: Motion to strike first amended complaint of plaintiff 7175 WB, LLC, pursuant to CCP §425.16

Docket 33

**Tentative Ruling:**

Revised tentative ruling as of 7/1/19 at 5:00 p.m. See revised tentative ruling for matter number 15. Appearances are required on 7/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Represented By  
Jason Wallach  
Allen L Michel

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

**#17.00** Hearing re: Objection to debtor's claim of exemptions

Docket 57

**Tentative Ruling:**

Sustain creditors' objections to debtor's claimed exemptions for the reasons stated in the moving papers and for lack of timely written opposition. Because there is no waiver of the nondebtor's spouse's exemptions under the regular California nonbankruptcy exemptions of California Code of Civil Procedure 704.010 et seq. and there is no waiver of debtor's exemption rights in the nondebtor spouse's potential future bankruptcy case, pursuant to California Code of Civil Procedure 703.140(a)(2), debtor is not entitled to claim the alternative bankruptcy-like exemptions under California law pursuant to California Code of Civil Procedure 703.140(b), and thus, all of these exemptions are disallowed. Appearances are optional on 7/2/19, but counsel may appear by telephone. Creditors to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, July 2, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10326 Javier Garcia and Deanna Garcia**

**Chapter 7**

**#18.00** Hearing re: Motion to convert case from chapter 7 to 13

Docket 21

**Tentative Ruling:**

Revised tentative ruling as of 7/1/19 at 5:00 p.m. Treat as a contested matter under FRBP 9014 because there are material issues of material fact that need to be resolved regarding debtors' good faith in seeking conversion and valuation of their assets for liquidation purposes. Debtors need to explain their income and expense schedules and their assertion of separate household expenses because it appears that the trustee is correct that the evidence indicates lack of net monthly disposable income to fund a Chapter 13 plan to be eligible for Chapter 13. It is also unclear how the trustee asserts that debtors would fail the best interest of creditors test in arguing that there would be more than \$5,520 realized in a liquidation of nonexempt assets in this case. Appearances are required on 7/2/19 to discuss scheduling of pretrial and trial proceedings, including discovery, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Javier Garcia

Represented By  
Kathleen A Moreno

**Joint Debtor(s):**

Deanna Garcia

Represented By  
Kathleen A Moreno

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Wednesday, July 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19, 4/17/19, 5/1/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/3/19 to 7/17/19 at 11:00 a.m.  
per stip & order entered on 6/3/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/2/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 7/3/19.

Prior tentative ruling as of 4/30/19. Appearances are required to discuss scheduling of further proceedings, including Phase 2 of the trial. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, July 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for order approving disclosure statement describing first amended chapter 11 plan proposed by debtors fr. 4/17/19

Docket 144

**Tentative Ruling:**

No updated tentative ruling as of 7/1/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, July 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19, 4/17/19

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 7/2/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn



**United States Bankruptcy Court  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:13-16027 Luis Alberto Carrillo and Ana Lilia Carrillo**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Navy Federal Credit Union VS Debtors)

Docket 49

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on 7/9/19  
-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed by notice filed on 7/9/19. No appearances are required on 7/16/19.

**Party Information**

**Debtor(s):**

Luis Alberto Carrillo

Represented By  
Michael A Rivera - INACTIVE -

**Joint Debtor(s):**

Ana Lilia Carrillo

Represented By  
Michael A Rivera - INACTIVE -

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Timothy J Yoo  
Lindsey L Smith

**United States Bankruptcy Court  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(U.S. Bank Trust, N.A. VS Debtor)

Docket 63

**Tentative Ruling:**

No tentative ruling in light of the trustee's opposition to the motion.  
Appearances are required on 7/16/19 to discuss scheduling of further proceedings, including setting an evidentiary hearing on valuation, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                    |        |
|--------------------|--------|
| Dean Henrik Okland | Pro Se |
|--------------------|--------|

**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Howard M Ehrenberg (TR) | Pro Se |
|-------------------------|--------|

**United States Bankruptcy Court  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(Jennifer Sunderland VS Debtor)  
fr. 6/4/19, 6/25/19

Docket 46

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling as of 6/24/19. Since a Chapter 7 trustee was appointed on 6/5/19 during the pendency of this motion and has not been served with the moving papers, movant will need to serve the trustee with the moving papers. The court will require movant to file and serve an amended notice of motion with a new hearing date on the trustee and the debtor who is now self-represented. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling. The moving papers are deficient since the proof of service fails to show service on debtor as required by LBR 4001-1(c)(1)(C). Now that the case has been converted to Chapter 7, movant will also have to serve the Chapter 7 trustee as required by LBR 4001-1(c)(1)(C). The hearing

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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Dean Henrik Okland**

**Chapter 7**

will have to be continued and renoticed or the motion will be dismissed without prejudice. Appearances are required on 6/4/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Pro Se

**Movant(s):**

Jennifer Sunderland

Represented By  
Daren M Schlecter  
Kimberly Wright

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14043 Vicente Carra Torres**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Wells Fargo Bank, N.A. VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Vicente Carra Torres

Represented By  
Daniel King

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15202 Miguel Martinez**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)

Docket 18

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny request for extraordinary relief in paragraph 2 because debtor is not the borrower on the loan. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Miguel Martinez Pro Se

**Trustee(s):**

John P Pringle (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15692 Lawrence Edward Haynes and Kimberly Bertina Haynes**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtors)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                        |        |
|------------------------|--------|
| Lawrence Edward Haynes | Pro Se |
|------------------------|--------|

**Joint Debtor(s):**

|                         |        |
|-------------------------|--------|
| Kimberly Bertina Haynes | Pro Se |
|-------------------------|--------|

**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Edward M Wolkowitz (TR) | Pro Se |
|-------------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16615 Jessica Chavez and Cesar A. Chavez**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Crossroads Equipment Lease and Finance, LLC VS Debtors)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. However, deny request for extraordinary relief in paragraph 4 of prayer for relief because movant has not made any showing of entitlement to retroactive annulment of stay based on the factors set forth in *In re Gasprom, Inc.*, 500 B.R. 598, 607-608 (9th Cir. BAP 2013) and submitted no evidence in support of such factors. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Jessica Chavez

Represented By  
Sevan Gorginian

**Joint Debtor(s):**

Cesar A. Chavez

Represented By  
Sevan Gorginian



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Jessica Chavez and Cesar A. Chavez**

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16752 Littlemoon, a California corporation**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Erdtsieck Family Limited Partnership VS Debtor)

Docket 6

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Littlemoon, a California corporation

Represented By  
Leroy Bishop Austin

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17029 Edgar Medina Galvez and Jennifer Ramirez**

**Chapter 7**

**#9.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Edgar Medina Galvez

Represented By  
Daniel King

**Joint Debtor(s):**

Jennifer Ramirez

Represented By  
Daniel King

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-12452 Chul Hyun Gong**

**Chapter 7**

**#9.10** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank N.A. VS Debtor)  
fr. 6/25/19, 7/2/19

Docket 598

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny request for extraordinary relief in paragraph 2 because debtor is not the borrower on the loan. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. See *In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

Prior tentative ruling as of 7/1/19. The court has reviewed the corrected exhibit in support of the motion filed on 6/28/19, which includes the APN (assessor's parcel number), though no legal description, on Exhibit 9 to the motion, which was the grant deed purportedly transferring the subject property to debtor under his DBA. However, there are no APNs on the loan documents for the loan on the subject property that match the one on corrected Exhibit 9 because the APNs were redacted or not listed on the loan documents. Accordingly, there is still insufficient evidence to show that the grant deed is related to the subject property, and the court is inclined to deny the motion without prejudice so that movant can submit adequate evidence to demonstrate there has been an unconsented to transfer relating to the

**United States Bankruptcy Court  
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Los Angeles  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Chul Hyun Gong**

**Chapter 7**

subject property by the borrower to establish a prima facie case for relief under 11 U.S.C. 362(d)(4). Appearances are required on 7/2/19, but counsel may appear by telephone.

Prior tentative ruling. Deny without prejudice because movant has not shown how the stay from this bankruptcy case affects this property. Exhibit 9 is missing the attached legal description of the property which would apparently tie in this property to the debtor; the reference to the borrower on the deed as the person requesting recordation of the deed is insufficient to tie the property to the debtor. Otherwise, the moving papers do not show how the bankruptcy case relates to the property. Deny request for extraordinary relief in paragraph 3 of the prayer for relief to allow stay relief to work out a potential forbearance agreement with the debtor for lack of legal support because debtor was not the borrower on the loan agreement. Appearances are required on 6/25/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Chul Hyun Gong

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Jeffrey L Sumpter  
Varand Gourjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#9.20** Cont'd hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)  
fr. 7/2/19

Docket 87

**\*\*\* VACATED \*\*\* REASON: Settled by stipulation per order entered on  
7/11/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Off calendr. Motion resolved by stipulation and order. No appearances are required on 7/16/19.

Prior tentative ruling. No tentative ruling in light of debtor's opposition to the motion. Treat as a contested matter under FRBP 9014 because there are disputed issues of material fact as to whether cause is shown for lack of adequate protection under 11 U.S.C. 362(d) and set an evidentiary hearing to resolve disputed issues of material fact. Deny stay relief under 11 U.S.C. 362(d)(2) since the moving papers state debtor has equity in the collateral and thus, movant has failed to meet its burden of demonstrating lack of equity in the collateral under 11 U.S.C. 362(g)(1). Given the amount in controversy, the parties are encouraged to consider settlement. Appearances are required on 7/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

- #10.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims fr. 3/13/19, 5/15/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Off calendar. The court on its own motion continues the status conference to 7/17/19 at 1:30 p.m., which was another date and time set for the status conference for all defendants. No appearances are required on 7/16/19.

Prior tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**      **Art and Architecture Books of the 21st Century**      **Chapter 11**  
discovery, except regarding 400 S. La Brea, LLC's submission of documents  
for *in camera* review:

| Document   | Tentative Ruling  |
|--|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet                       | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).   |
| 400 S. La Brea, LLC's 2016 Balance Sheet                       |   |
| 400 S. La Brea, LLC's 2016 Income Statement                    |   |
| 400 S. La Brea, LLC's 2016 Federal and State Tax Returns       |   |
| 2012 Appraisal of the Subject Property                         | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2013 Appraisal of the Subject Property                         |   |
| 2017 Appraisal of the Subject Property                         | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
| Technical Review of the 2017 Appraisal of the Subject Property |   |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits.  
Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits.  
Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits.  
Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits.  
Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation,

Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:19-01126      Gonzalez v. Avery

**#11.00**      Status conference re: Complaint for turnover of commissions in the amount of \$24,554 as they are not property of the estate

Docket      1

**Tentative Ruling:**

The court had orally ruled at the hearing in this matter on 6/25/19 that the adversary proceeding should be dismissed on grounds that Debtor lacked standing to seek turn over of funds in the name of Long Beach Realty, Inc., which he maintains is a separate legal entity, and defendant was to submit a proposed form of order. Appearances are required on 7/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|              |        |
|--------------|--------|
| Wesley Avery | Pro Se |
|--------------|--------|

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                                  |
|---------------------|----------------------------------|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee |
|---------------------|----------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#12.00** Cont'd status conference re: Complaint for damages resulting from violations of 28 U.S.C. § 959(b) fr. 5/28/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/16/19 to 8/20/19 at 1:30 p.m. per stip & order entered on 7/1/19-pp.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/20/19 at 1:30 p.m. No appearances are required on 7/16/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:19-01142 7175 WB, LLC v. Jaurigui

**#13.00** Status conference re: Complaint for objection to discharge under §§727(a)(2)(4), and (7)

Docket 1

**Tentative Ruling:**

No tentative ruling as of 7/15/19. Parties to discuss the results of their early meeting of counsel under LBR 7026-1 and any impact on the proposed schedules in the joint status report. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#14.00** Status conference re: Objection to claim no.1 filed by the Internal Revenue Service  
fr. 6/11/19

Docket 39

**Tentative Ruling:**

No tentative ruling as of 7/15/19. The court has reviewed the joint status report.

Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:19-01140 GemCap Lending I, LLC v. Great Rock Capital Partners Management, LLC

**#15.00** Status conference re: Adversary complaint for equitable subordination

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/16/19 to 8/27/19 at 1:30 p.m.  
per stip & order entered on 6/11/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/27/19 at 1:30 p.m. No appearances are required on 7/16/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Great Rock Capital Partners

Pro Se

**Plaintiff(s):**

GemCap Lending I, LLC

Represented By  
Carol Chow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16885 Howard Y Won**

**Chapter 7**

**#16.00** Order to show cause why the bankruptcy case should not be dismissed for failure to file proof that debtor has taken the required credit counseling course.

Docket 6

**\*\*\* VACATED \*\*\* REASON: Certificate of Credit Counseling filed on 6/26/19-mb.**

**Tentative Ruling:**

Off calendar. The court discharges the order to show cause because debtor filed his credit counseling certificate and vacates the hearing. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Howard Y Won

Pro Se

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-14293 Maria Edi Dominguez**

**Chapter 7**

**#17.00** Order to show cause re contempt against Luz Escoto and La Centro Latino

Docket 38

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on 7/2/19  
-mb.**

**Tentative Ruling:**

Off calendar. Movant filed a request for voluntary dismissal of the motion filed on 7/2/19, stating that she will lodge a proposed order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Maria Edi Dominguez

Represented By  
M. Jonathan Hayes

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#18.00** Cont'd order to show cause why sanctions should not be imposed against defendants and defendant's attorney for failure to appear at the January 29, 2019 status conference hearing  
fr. 6/25/19

Docket 65

**Tentative Ruling:**

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#19.00** Cont'd hearing re: Defendants Greta Curtis and Ammec, Inc.'s motion for summary judgment and/or summary adjudication  
fr. 4/30/19, 6/11/19

Docket 69

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court on its own motion by prior order continues the hearing to 6/11/19 at 2:00 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**

**People Who Care Youth Center, Inc.**

John-Patrick M Fritz  
David B Golubchik

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

Adv#: 2:15-01122 Howard Grobstein as Liquidating Trustee of L. Scot v. Sharron et al

**#20.00** Cont'd hearing re: Appearance and examination of judgment debtor Lowell Sharron as the designated representative of judgment debtor Beyond Basics LLC fr. 5/21/19

Docket 194

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/16/19 to 10/1/19 at 2:30 p.m. per stip & order entered on 7/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/1/19 at 2:30 p.m. No appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Defendant(s):**

Lowell S. Sharron

Represented By  
Lloyd S Mann

Beyond Basics, LLC dba Daily

Represented By  
Lloyd S Mann

**Plaintiff(s):**

Howard Grobstein as Liquidating

Represented By  
Brian L Davidoff  
Courtney E Norton  
Lori L Werderitch  
Keith Patrick Banner

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

Adv#: 2:15-01122 Howard Grobstein as Liquidating Trustee of L. Scot v. Sharron et al

**#21.00** Cont'd hearing re: Appearance and examination of judgment debtor Lowell Sharron  
fr. 5/21/19

Docket 192

**Tentative Ruling:**

Off calendar. Examination stayed by order for stay pending appeal entered on 7/1/19. No appearances are required on 7/16/19.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Defendant(s):**

Lowell S. Sharron

Represented By  
Lloyd S Mann

Beyond Basics, LLC dba Daily

Represented By  
Lloyd S Mann

**Plaintiff(s):**

Howard Grobstein as Liquidating

Represented By  
Brian L Davidoff  
Courtney E Norton  
Lori L Werderitch  
Keith Patrick Banner

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#22.00** Hearing re: Motion by chapter 7 trustee, Wesley H. Avery, objecting to exemptions claimed in a homestead and in real estate brokerage commissions identified in the amended schedules (docket no. [393]), filed May 21, 2019, by debtor, Arturo Gonzalez; and requesting order for turnover of commissions belonging to the bankruptcy estate

Docket 395

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/16/19 to 8/20/19 at 2:30 a.m.  
per order entered on 7/9/19-MB.**

**Tentative Ruling:**

Off calendar. Continued to 8/20/19 at 2:30 p.m. by order entered on 7/9/19.  
No appearances are required on 7/16/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#23.00** Hearing re: Motion by chapter 7 trustee Wesley H. Avery, pursuant to FRCP 11 and FRBP 9011 for sanctions against debtor, Arturo Gonzalez, including monetary sanctions of attorney fees and costs and directives of a monetary nature

Docket 408

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/16/19 to 8/20/19 at 2:30 a.m.  
per order entered on 7/9/19-MB.**

**Tentative Ruling:**

Off calendar. Continued to 8/20/19 at 2:30 p.m. by order entered on 7/9/19.  
No appearances are required on 7/16/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Dennis E McGoldrick



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#24.00** Hearing re: Motion for order: (1) deeming requests for admission admitted; (2) deeming records custodian declaration testimony admissible; (3) determining 7075 WB's pre-litigation and other disclosures to be sufficient for purposes of rule 26(a); and (4) setting such other and further deadlines as may be necessary

Docket 50

**Tentative Ruling:**

Deny plaintiff's motion to compel discovery for the reasons stated in defendant's opposition because: (1) as indicated by the proof of service, defendant's responses to the requests for admission were timely; (2) the responses were adequate; (3) the testimony in the McNair declaration is inadmissible hearsay and not admissible as a business record within the meaning of FRE 803(6) or (7) since it was not made as a regularly conducted business activity; (4) since no party has filed a motion to compel initial disclosures under FRCP 37(a)(3)(A), it is unnecessary for the court to rule upon the adequacy of the disclosures. It does not matter that defendant's opposition was late because the motion failed to make a prima facie showing for relief. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

---

2:30 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#25.00** Hearing re: Application of interim fees and/or expenses (11 U.S.C. §331) for LEA Accountancy, LLP

Docket 84

**Tentative Ruling:**

Approve interim fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 7/16/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#26.00** Hearing re: Second interim application for award of compensation and reimbursement of expenses of Danning, Gill Diamond & Kollitz, LLP, as general counsel to chapter 7 trustee

Docket 87

**Tentative Ruling:**

Approve second interim fee application of general counsel for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 7/16/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#27.00** Hearing re: Motion for order substantively consolidating the within case with the case of Peter Spennato DDS Ortho and Pedo, Inc. ( 2:18-bk-11134-BB)

Docket 31

**Tentative Ruling:**

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#28.00** Hearing re: Motion to compel abandonment of property under 11 U.S.C. § 554

Docket 29

**Tentative Ruling:**

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#29.00** Hearing re: Trustee's motion for approval of compromise with Peter Spennato and sale to him of certain claims of the estate

Docket 34

**Tentative Ruling:**

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#30.00** Hearing re: Motion for admission of excerpts from 2004 exam of Peter Spennato DDS, Inc., taken on March 28, 2019

Docket 36

**Tentative Ruling:**

Deny trustee's motion for admission of excerpts of Federal Rule of Bankruptcy Procedure 2004 examination of Peter Spennato without prejudice because the motion is premature in that it does not identify the hearing or trial for which the excerpts are to be used and the adverse party against whom the excerpts are being offered against. The motion is also defective because the citation in the motion to the rule relied upon by trustee as "Federal Rule 32(a)(3)" is incomplete, although the court construes the motion as being one pursuant to Federal Rule of Civil Procedure 32(a)(3). Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, July 16, 2019

Hearing Room 1675

2:30 PM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#31.00** Hearing re: Motion of Michael Zargar, Abdollah Zargar and Akhtar Davidi: (i) to find debtor Joseph Shahriar Zargar in Civil Contempt Pursuant to Rule 9020 of the Federal Rules of Bankruptcy Procedure, and (ii) for the imposition of monetary sanctions in the amount of \$5,150 against debtor Joseph Shahriar Zargar and his counsel, Ashley McDow, jointly and severally liable

Docket 188

**Tentative Ruling:**

Deny movants' motion to find debtor in contempt on procedural grounds because movants did not follow the civil contempt procedures of LBR 9020-1 which requires them to file a motion consistent with that rule and a proposed order to show cause. Movants did not follow the procedures of LBR 9020-1 in just noticing the contempt matter for hearing pursuant to LBR 9013-1, which is improper. Alternatively, deny the motion for lack of good cause. The court has reviewed the transcript of the FRBP 2004 examination and related counsel email correspondence and did not view anything in these documents as constituting civil contempt, specifically, the evidence that debtor's counsel made improper "speaking" objections and was coaching the witness is unsubstantiated, and thus, would deny the motion, including any request for sanctions, except to require a further FRBP 2004 examination to complete the examination, which would be held here in the courthouse without exclusion of any party from attending the further examination. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

**#32.00** Hearing re: Motion to avoid lien under 11 U.S.C. §522(f) (real property) with Geoffrey Thomas

Docket 37

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Both parties failed to provide separate tabs for exhibits attached to judge's copies of their papers as required by LBR 5005-2(d).  
Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23282 LT Funding, LLC**

**Chapter 7**

**#33.00** Hearing re: First interim application for award of compensation and reimbursement of expenses of Danning, Gill, Diamond & Kollitz, LLP

Docket 30

**Tentative Ruling:**

Revised tentative ruling as of 7/15/19 at 6:00 p.m. Approve first interim fee application of general bankruptcy counsel for trustee for the reasons stated in the application and lack of timely written objection. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

LT Funding, LLC

Represented By  
Robert L Eisenbach III

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

Adv#: 2:19-01148 BARAKA HOLDINGS, LLC v. Arixa Fund III, L.P. et al

**#34.00** Hearing re: Motion for order authorizing withdrawal of counsel

Docket 13

**Tentative Ruling:**

Grant motion of counsel to withdraw for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 7/16/19, but counsel may appear by telephone. Counsel to lodge a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Defendant(s):**

Jan Brzeski

Represented By  
Marc Weitz

Robert K. Barth

Represented By  
Marc Weitz

Greg Hebner

Represented By  
Marc Weitz

Arixa Fund III, L.P.

Represented By  
Marc Weitz

CROSSWIND VENTURE, L.P.

Represented By  
Marc Weitz

**Plaintiff(s):**

BARAKA HOLDINGS, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... BARAKA HOLDINGS, LLC**

**Chapter 7**

Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13449 Elizabeth Ordonez**

**Chapter 7**

**#35.00** Order to show cause re: dismissal for failure to comply with rule 1006(b) - installments

Docket 15

**\*\*\* VACATED \*\*\* REASON: Third and final installments paid in full-mb.**

**Tentative Ruling:**

Off calendar. Final fee installment paid. The court discharges the order to show cause. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Elizabeth Ordonez

Pro Se

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, July 17, 2019

Hearing Room 1675

11:00 AM

2:12-15652 Dale Alfred Williams

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 5/1/19, 7/3/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. No tentative ruling on the merits.  
Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/2/19. Off calendar. Continued by stipulation and  
order to 7/17/19 at 11:00 a.m. No appearances are required on 7/3/19.

Prior tentative ruling as of 4/30/19. Appearances are required to discuss  
scheduling of further proceedings, including Phase 2 of the trial.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#2.00** Hearing re: Reorganized debtors' motion for final decree and order closing case

Docket 196

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/14/19 at 11:00 a.m.  
per order entered on 7/5/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own motion by prior order continues the hearing on the motion to 8/14/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#3.00** Hearing re: Application for payment of final fees and/or expenses for Haberbush & Associates LLP, debtor's attorney

Docket 194

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/14/19 at 11:00 a.m.  
per order entered on 7/5/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own application by prior order continues the hearing on the motion to 8/14/19 at 11:00 a.m. No appearances are required on 7/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard  
David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard  
David R Haberbush  
Vanessa M Haberbush  
Louis H Altman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 3/21/19, 5/15/19, 6/11/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. the court has reviewed the unilateral status report filed by creditor Emma Borges. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#5.00** Cont'd hearing re: Motion for order approving second amended disclosure statement describing debtor's second amended chapter 11 plan fr. 3/21/19, 5/15/19, 6/11/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. The court is inclined to allow the parties to participate in mediation before the settlement judge before ruling on the amended disclosure statement. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

Raymond H. Aver

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#6.00** Cont'd hearing re: Disclosure statement  
fr 3/27/19, 5/15/19

Docket 77

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19, 3/27/19, 5/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Nina Mosby**

**Chapter 11**

report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#8.00** Hearing re: Creditor Baldwin Sun Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b)

Docket 310

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 7/2/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#9.00** Hearing re: Creditor Gia Phu Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b)

Docket 312

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 7/2/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#10.00** Hearing re: Creditor Cong Ty May Vietmy's motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b)

Docket 314

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 7/2/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#11.00** Hearing re: Creditor Shen-Shaoxing Tuchang Knitting Textile Co., Ltd.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b)

Docket 316

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 7/2/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#12.00** Cont'd hearing re: Disclosure statement  
fr. 5/15/19, 6/27/19

Docket 277

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 6/19/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

Prior tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, July 17, 2019

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#13.00 Cont'd status conference re: Management of chapter 11 case  
fr. 4/3/19, 5/15/19, 6/27/19

Docket 1

\*\*\* VACATED \*\*\* REASON: Cont'd from 7/17/19 to 8/21/19 at 11:00 a.m.  
per stip & order entered on 6/19/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 7/17/19.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 7/13/18 and proposed date for filing a disclosure statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Catherine Trinh**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#14.00** Cont'd hearing re: Disclosure statement  
fr. 4/17/19, 5/29/19, 6/12/19

Docket 58

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. Appearances are required on 6/12/19 regarding scheduling debtor's appearance before the court, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by telephone.

Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Hugo Hernandez**

**Chapter 11**

resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 5/29/19, 6/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. Off calendar. Continued on the court's own motion to 1/16/19 at 11:00 a.m. to be conducted with the hearing on debtor's disclosure statement. No appearances are required on 12/19/18.

Prior tentative ruling as of 11/6/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 4/30/19, 5/7/19, 6/13/19

Docket 142

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. No tentative ruling on the merits.  
Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/3/19. No tentative ruling will be issued for trial.  
Appearances are required on 6/13/19.

Prior tentative ruling. The court was inclined to deny the stay relief motion at this time because of the limited and summary nature of a stay relief proceeding to determine whether movant as a creditor should be release from the stay to argue the merits of his claim in a separate proceeding. In re Griffin, 719 F.3d 1126, 1128 (9th Cir. 2013). Granting stay relief will require a determination of issues relating to the merits of movant's claim, such as whether the subject property is community property or not, whether there are reasonable prospects of reorganization and whether debtor filed the bankruptcy case in good faith, which are issues that will be determined in other proceedings pending before the court, that is, on movant's motion to dismiss and motion to appoint a Chapter 11 trustee, and debtor's motion to avoid movant's judgment lien. Appearances are required on 5/7/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Ben B. Safyari**

**Chapter 11**

Joe Klein

Represented By  
Niv V Davidovich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#17.00** Hearing re: Motion to extend deadline for filing plan of reorganization and disclosure statement

Docket 57

**Tentative Ruling:**

Grant debtor's motion to extend time to file a disclosure statement and plan to 9/10/19 for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 7/17/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**  
Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#18.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims fr. 3/13/19, 5/15/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, July 17, 2019

Hearing Room 1675

1:30 PM

CONT...

**Art and Architecture Books of the 21st Century**

**Chapter 11**

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

| Document   | Tentative Ruling  |
|--|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet                       | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i).   |
| 400 S. La Brea, LLC's 2016 Balance Sheet                       |   |
| 400 S. La Brea, LLC's 2016 Income Statement                    |   |
| 400 S. La Brea, LLC's 2016 Federal and State Tax Returns       |   |
| 2012 Appraisal of the Subject Property                         | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2013 Appraisal of the Subject Property                         |   |
| 2017 Appraisal of the Subject Property                         | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
| Technical Review of the 2017 Appraisal of the Subject Property |   |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 17, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Art and Architecture Books of the 21st Century**

**Chapter 11**

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits. Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, July 17, 2019

Hearing Room 1675

1:30 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By

Thomas M Geher

Ron Bender

Beth Ann R Young

Krikor J Meshefejian

Kurt Ramlo

David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation,

Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By

Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, July 19, 2019**

**Hearing Room 1675**

9:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142  
fr. 3/13/19, 4/3/19, 5/15/19

Docket 2423

**Tentative Ruling:**

Updated tentative ruling as of 7/15/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 7/19/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Friday, July 19, 2019

Hearing Room 1675

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9:00 AM

CONT... **Art and Architecture Books of the 21st Century and 400 S.** Chapter 11

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(YCCS, LLC VS Debtor)

Docket 108

**Tentative Ruling:**

Deny stay relief motion for failure of creditor to meet its burden of proving lack of equity of debtor in collateral under 11 U.S.C. 362(g)(1). Creditor's moving papers on their face show that debtor has equity in the subject property and thus fail to demonstrate lack of equity under 11 U.S.C. 362(d) (2). Moreover, creditor's moving papers lack admissible evidence to demonstrate lack of equity to demonstrate lack of adequate protection under 11 U.S.C. 362(d)(1) because its valuation evidence is not supported by a declaration under penalty of perjury by a qualified valuation expert witness who has conducted a proper valuation analysis based on scientifically accepted valuation principles (i.e., sales comparables analysis) and only consists of hearsay opinions of unknown persons based on unknown analysis. Furthermore, creditor's moving papers on their face fail to demonstrate lack of adequate protection since they indicate a 28% equity cushion to adequately protect its lien interest in the subject property. In re Mellor, 734 F.2d 1396 (9th Cir. 1984). Finally, deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16082 Christopher A. Castanon**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Fifth Third Bank VS Debtor)

Docket 15

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Christopher A. Castanon

Represented By  
Steven B Lever

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16152 Julio Rendon and Mercy Rendon**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtors)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does make a finding of bad faith as to debtor. *See In re Dorsey*, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

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| <b>Party Information</b> |
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**Debtor(s):**

Julio Rendon

Represented By  
A Mina Tran

**Joint Debtor(s):**

Mercy Rendon

Represented By  
A Mina Tran

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16298 Evlin Gharbigi**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Toyota Lease Trust VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Evlin Gharbigi

Represented By  
Daniel King

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16319 Hye Duk Kim and Mi Young Kim**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Hye Duk Kim

Represented By  
Andrew S Cho

**Joint Debtor(s):**

Mi Young Kim

Represented By  
Andrew S Cho

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16683 Evelyn Yadira Salas**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(The Golden 1 Credit Union VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Evelyn Yadira Salas

Represented By  
Omar Zambrano

**Movant(s):**

Golden 1 Credit Union

Represented By  
Mirco J Haag

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17255 David Aguayo**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Hur Property, LLC VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including retroactive annulment of stay, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny requests for relief under 11 U.S.C. 362(b)(22) and (23) for lack of good cause because movant did not obtain prepetition judgment for possession and has not made prima facie showing of endangerment by debtor. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

David Aguayo

Pro Se

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for authority to enter into "settlement agreement and mutual release" resolving reorganized debtor's objection to second (revised) and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses (dckt. no. 617)  
fr. 7/2/19

Docket 649

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19 at 3:00 p.m. Objecting party 7175 WB filed a notice of withdrawal of its objections to the motion to approve settlement between debtor and its former general bankruptcy counsel and the second and final fee application of counsel based on terms to be read at the hearing. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel may appear by telephone.

Prior tentative ruling. Grant debtor's motion to enter into settlement agreement and mutual release resolving reorganized debtor's objection to second (revised) and final application of Levene Neale Bender Yoo and Brill LLP for approval of fees and expenses for the reasons stated in the moving and reply papers and overrule the objections of 7175 WB whose rights are not affected by the settlement because it still has the rights to litigate its objections to the fee application. Appearances are required on 7/2/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#9.00** Cont'd hearing re: Motion for order approving disclosure statement describing first amended chapter 11 plan proposed by debtors  
fr. 4/17/19, 7/3/19

Docket 144

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/30/19 to 9/4/19 at 2:00 p.m.  
per order entered on 7/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. Off calendar. Continued to 9/4/19 at 2:00 p.m. by prior order. No appearances are required on 7/30/19.

Prior tentative ruling as of 7/1/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19, 4/17/19, 7/3/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/30/19 to 9/4/19 at 2:00 p.m.  
per order entered on 7/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. Off calendar. Continued to 9/4/19 at 2:00 p.m. by prior order. No appearances are required on 7/30/19.

Prior tentative ruling as of 7/2/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-15692 Lawrence Edward Haynes and Kimberly Bertina Haynes**

**Chapter 7**

**#10.10** Cont'd hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtors)  
fr. 7/16/19

Docket 12

**Tentative Ruling:**

No updated tentative ruling as of 7/29/19. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Lawrence Edward Haynes

Pro Se

**Joint Debtor(s):**

Kimberly Bertina Haynes

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Lawrence Edward Haynes and Kimberly Bertina Haynes**

**Chapter 7**

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

**#11.00** Cont'd hearing re: Debtor's motion for an order disallowing proof of claim 8 purportedly filed on behalf of U.S. Bank, National Association  
fr. 12/5/18, 12/12/18, 3/26/19, 5/28/19

Docket 328

**\*\*\* VACATED \*\*\* REASON: Case dismissed per order entered on 6/14/19  
-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the underlying bankruptcy case was dismissed. No appearances are required on 7/30/19.

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:18-01289 Grand View Financial, LLC v. Ladd et al

**#12.00** Cont'd status conference re: Complaint for (1) turnover of property of the estate and (2) injunctive relief fr. 11/27/18, 2/26/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case and adv. proceedings dismissed per order entered on 6/14/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the adversary proceeding was dismissed. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

Danna Ladd

Pro Se

Darren Ladd

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#13.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 4/30/19, 5/7/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb                      Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb                      Pro Se

**Plaintiff(s):**

Konstantin Khionidi                                      Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-14690 Angela Maria Porcell Smith**

**Chapter 7**

Adv#: 2:18-01231 Mercedes-Benz Financial Services USA LLC, as servi v. Smith

**#14.00** Cont'd status conference re: Complaint to determine dischargeability of debt  
[11 U.S.C. §§ 523(a)(6) and 523(a)(2)(A)]  
fr. 9/6/18, 3/12/19, 6/25/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment by stip & order entered on  
7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Judgment is being entered by stipulation of the parties. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Angela Maria Porcell Smith

Represented By  
Beatriz Chen

**Defendant(s):**

Angela Maria Porcell Smith

Pro Se

**Joint Debtor(s):**

Michael S. Smith

Represented By  
Beatriz Chen

**Plaintiff(s):**

Mercedes-Benz Financial Services

Represented By  
Rebecca A Caley

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#15.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 3/26/19, 5/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling in light of the pending motion to dismiss the second amended complaint. The court will hear argument on the motion to dismiss at the same time as the status conference on the 1:30 p.m. calendar. Appearances are required on 7/30/19 at 1:30 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Pro Se

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#16.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 4/16/19, 5/28/19, 6/25/19

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. No tentative ruling on the merits. At the status conference, the court will hear from the parties on defendant's request for a 90 day continuance and a stay of proceedings. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung  
Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, July 30, 2019

Hearing Room 1675

1:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

Adv#: 2:19-01148 BARAKA HOLDINGS, LLC v. Arixa Fund III, L.P. et al

**#17.00** Status conference re: Complaint for damages and equitable relief for: 1. Fraud, count I; 2. Fraud, count II; 3. Concealment; 4. Breach of contract; 5. Rescission of all documents; 6. Declaratory relief

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order deeming adv. proceeding dismissed as of 6/24/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the adversary proceeding was dismissed. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Defendant(s):**

Arixa Fund III, L.P.

Represented By  
Marc Weitz

CROSSWIND VENTURE, L.P.

Represented By  
Marc Weitz

Jan Brzeski

Pro Se

Robert K. Barth

Pro Se

Greg Hebner

Pro Se

**Plaintiff(s):**

BARAKA HOLDINGS, LLC

Represented By  
Douglas A Crowder

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... BARAKA HOLDINGS, LLC**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-17593 William James Palmer, Jr**

**Chapter 7**

**#18.00** Order to show cause hearing re: debtor's failure to file a Certificate of Credit Counseling

Docket 11

**\*\*\* VACATED \*\*\* REASON: Certificate of Credit Counseling filed on  
7/12/19-mb.**

**Tentative Ruling:**

Off calendar. The court discharges the order to show cause because debtor filed his credit counseling certificate. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                         |        |
|-------------------------|--------|
| William James Palmer Jr | Pro Se |
|-------------------------|--------|

**Trustee(s):**

|                      |        |
|----------------------|--------|
| John J Menchaca (TR) | Pro Se |
|----------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-11539 Prestige Auto Body Center, Inc.**

**Chapter 11**

**#19.00** Hearing re: Order to show cause why debtor's former counsel Marvin Levy should not be held in contempt of the court and directing Marvin Levy to personally appear to explain why he failed to comply with the court's order

Docket 43

**Tentative Ruling:**

No tentative ruling as of 7/29/19. Appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Prestige Auto Body Center, Inc.

Represented By  
David R Haberbush

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01535 Grand View Financial, LLC v. Tan et al

**#20.00** Pretrial conference re: Complaint for (1) declaratory relief regarding title to real property; (2) turnover of real property; and (3) turnover of property of the estate and accounting fr. 1/16/18M 12/11/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case and adv. proceedings dismissed per order entered on 6/14/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the underlying bankruptcy case was dismissed. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Stella Tan

Represented By  
Larry D Webb

Wei Guo Tan, Trustee of the Sunlight

Pro Se

**Plaintiff(s):**

Grand View Financial, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#21.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Diane C. Weil, Chapter 7 Trustee]

Docket 185

**Tentative Ruling:**

The court has reviewed the trustee's final report and fee application, and the court is inclined to approve the final report and fee application for the reasons stated therein and for lack of timely written objection. However, because general bankruptcy counsel for trustee has not provided a judge's copy of its fee application as required by LBR 5005-2(d), the court will continue the hearing for submission of the judge's copy of that fee application. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Danning, Gill, Diamond & Kollitz, LLP, Attorney for Chapter 7 Trustee]

Docket 183

**Tentative Ruling:**

No tentative ruling as of 7/29/19. Applicant has not provided a judge's copy of the fee application as required by LBR 5005-2(d), and the court will continue the hearing for submission of the judge's copy. Appearances are required on 7/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:14-21890 Alphonso Rowe Ferguson and Ruby Lee Ferguson**

**Chapter 7**

**#23.00** Cont'd hearing re: Motion to reopen chapter 7 case and authority to file on behalf of debtors by an administrator of debtors estate fr. 4/16/19, 5/7/19

Docket 48

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. Based on the supplemental evidence filed by movant showing her appointment as special administrator of the probate estates of debtors, grant motion to reopen case for the reasons stated in the moving papers and for lack of timely written opposition. The court need not rule on the motion for authority to file motions on behalf of debtors since it appears from letters testamentary that movant has authority to act on behalf of the debtors who are now deceased. Appearances are optional on 7/30/19, but counsel may appear by telephone. Movant to submit a proposed order within 7 days of hearing.

Prior tentative ruling as of 5/6/19. Deny motion without prejudice for lack of standing because movant has not shown that she is the representative of the probate estate to exercise of the powers of an estate administrator, which requires her to be: (1) the executor, (2) administrator with will annexed, (3) administrator, or (4) special administrator. See California Probate Code Sections 8420, 8440, 8460(a) and 8540(a), cited in Ross and Cohen, Rutter Group California Practice Guide: Probate, paragraph 3:326 (2018). Movant as trustee of debtors' revocable living trust does not give her standing to act as the probate estate administrator, and movant has not provided legal authority showing that she has such standing. Movant probably needs to get an appointment from the probate court as a special administrator to represent the estate in litigation, such as this bankruptcy case. See Ross and Cohen, Rutter Group California Practice Guide: Probate, paragraph 14:1 et seq. Appearances are required on 5/7/19, but counsel may appear by telephone.

Prior tentative ruling. The moving papers are deficient because movant has not demonstrated standing to act on behalf of debtors as the administrator of their probate estates as she has not provided copies of the probate court's

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Alphonso Rowe Ferguson and Ruby Lee Ferguson Chapter 7**

orders appointing her as the administrator of the probate estates (i.e., letters testamentary). Deny the motion without prejudice unless movant provides the court with copies of the probate court's orders appointing her as the administrator. Appearances are required on 4/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Alphonso Rowe Ferguson

Represented By  
Michelle A Marchisotto  
Sundee M Teeple

**Joint Debtor(s):**

Ruby Lee Ferguson

Represented By  
Michelle A Marchisotto  
Sundee M Teeple

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#24.00** Cont'd hearing re: Motion of defendant JPMorgan Chase Bank, N.A. to dismiss first amended complaint  
fr. 2/26/19, 5/7/19, 6/11/19

Docket 32

**\*\*\* VACATED \*\*\* REASON: Main case and adv. proceedings dismissed  
per order entered on 6/14/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith  
Ian Landsberg

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Matthew S Henderson

QUALITY LOAN SERVICE

Represented By  
Merdaud Jafarnia

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-20125 Grand View Financial LLC**

**Chapter 11**

Adv#: 2:17-01570 GRAND VIEW FINANCIAL, LLC v. JPMORGAN CHASE BANK, N.A.

**#25.00** Cont'd status conference re: Complaint for: (1) Declaratory Relief Regarding Alleged Standing Of Defendants Under Note And Deed Of Trust; (2) Declaratory Relief Regarding Purported Foreclosure Sale And Trustees Deed Upon Sale And Title To Real Property; (3) Declaratory Relief Regarding Unlawful Detainer Action; (4) Turnover Of Real Property; (5) Disallowance Of Any Claims Of JPMorgan Chase Bank, N.A.; (6) Violation Of Fair Debt Collection Practices Act  
fr. 1/8/19, 3/5/19, 5/7/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case and adv. proceedings dismissed per order entered on 6/14/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 1/7/19. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 4/30/18. No tentative ruling on the merits. Appearances are required on 5/1/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/20/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. Off calendar. The court on its own motion continues the status conference to 3/20/18 at 3:00 p.m. A separate order is being entered. No appearances are required on 2/27/18.

Prior tentative ruling. The court has reviewed the joint status report and also notes on the case docket that there is a hearing on the motion of defendant JP Morgan Chase Bank, N.A. to dismiss plaintiff's amended complaint on 2/27/18 at 3:00 p.m., which may have an impact on scheduling in this adversary proceeding. Therefore, the court on its own motion continues the status conference to 2/27/18 at 3:00 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint. No appearances are required on 2/13/18.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Grand View Financial LLC**

**Chapter 11**

**Debtor(s):**

Grand View Financial LLC

Represented By  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

JPMORGAN CHASE BANK, N.A.

Pro Se

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

GRAND VIEW FINANCIAL, LLC

Represented By  
Todd M Arnold

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-22435 Raul A. Barrientos**

**Chapter 7**

**#26.00** Hearing re: Trustee's motion for order vacating debtor's discharge and for turnover of estate funds

Docket 28

**Tentative Ruling:**

Grant in part and deny in part trustee's motion for order vacating debtor's discharge and for turnover of funds by granting relief for turnover of prorated tax refund for the prepetition period of the 2017 tax year (i.e., before the petition date of October 10, 2017), denying relief for turnover of prorated tax refund for the postpetition period of the 2017 tax year, In re Meyers, 616 F.3d 626 (7th Cir. 2010), cited in 11 Levin and Sommer, Collier on Bankruptcy, paragraph TX2.05[2] at TX2-45 (16th ed. 2018) ("if a refund is generated for the year of the bankruptcy filing, it has been held that the refund attributable to the prepetition period is property of the bankruptcy estate"), and denying request to vacate debtor's discharge because such relief to revoke debtor's discharge under 11 U.S.C. 727(a) must proceed by adversary proceeding pursuant to FRBP 7001(4) rather than by motion only permitted for 11 U.S.C. 727(a)(8) and (9) and 1328(f). Appearances are required on 7/30/19, but trustee and counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Raul A. Barrientos

Represented By  
Jesus L Zuniga

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-23923 Stephen B Wishek and Virginia Wishek**

**Chapter 7**

**#27.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 48

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Stephen B Wishek

Represented By  
James R Selth

**Joint Debtor(s):**

Virginia Wishek

Represented By  
James R Selth

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-23923 Stephen B Wishek and Virginia Wishek**

**Chapter 7**

**#28.00** Hearing re: Application for fees and expenses  
[LEA Accountancy, LLP, Accountant for Chapter 7 Trustee]

Docket 46

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and applicant may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Stephen B Wishek

Represented By  
James R Selth

**Joint Debtor(s):**

Virginia Wishek

Represented By  
James R Selth

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#29.00** Cont'd hearing re: Motion for entry of order authorizing debtor to use cash collateral through and including October 31, 2019 fr. 4/30/19

Docket 152

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel may appear by telephone.

Prior tentative ruling. Grant debtor's motion for order authorizing use of cash collateral through 10/31/19 for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 4/30/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Fox Property Holdings, LLC

Represented By

Timothy J Yoo

Juliet Y Oh

Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-12069 Marjorie L Gilbert**

**Chapter 7**

**#30.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 20

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Marjorie L Gilbert

Represented By  
James L Migler

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18364 Ivan Angel Pena and Candy Mireya Pena**

**Chapter 7**

**#31.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 39

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Ivan Angel Pena

Represented By  
Kian Mottahedeh

**Joint Debtor(s):**

Candy Mireya Pena

Represented By  
Kian Mottahedeh

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Joseph E. Caceres  
Charles Shamash



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18364 Ivan Angel Pena and Candy Mireya Pena**

**Chapter 7**

**#32.00** Hearing re: Application for fees and expenses  
[Caceres & Shamash, LLP, Attorney for Chapter 7 Trustee]

Docket 37

**Tentative Ruling:**

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Ivan Angel Pena

Represented By  
Kian Mottahedeh

**Joint Debtor(s):**

Candy Mireya Pena

Represented By  
Kian Mottahedeh

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Joseph E. Caceres  
Charles Shamash

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21055 Antonio Romero Ontiveros**

**Chapter 7**

**#33.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[John J. Menchaca, Chapter 7 Trustee]

Docket 18

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 7/30/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

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| Antonio Romero Ontiveros | Pro Se |
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**Trustee(s):**

|                      |        |
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| John J Menchaca (TR) | Pro Se |
|----------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#34.00** Hearing re: Motion to dismiss second amended complaint to determine non-dischargeability

Docket 30

**Tentative Ruling:**

The court will advance the hearing on the motion to dismiss to be conducted with the status conference on the court's 1:30 p.m. hearing calendar.

Deny motion to dismiss because the second amended complaint alleges plausible claims under 11 U.S.C. 523(a)(2)(A) and (6) that plaintiffs were induced to extend, renew or refinance existing credit from them to defendant, though no new loans were made by them to defendant, on grounds of alleged misrepresentations regarding potential success of certain litigation and unkept promises relating to repayment of the loan. The second amended complaint will be deemed filed and served on the date of entry of the order on the motion to dismiss, and defendant will have 14 days to serve an answer to the second amended complaint pursuant to FRBP 7015 and FRCP 15(a)(3) from service of the date of entry of the order on the motion to dismiss.

Appearances are required on 7/30/19 at 1:30 p.m., but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Represented By  
Terran T Steinhart

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Michael Richard Shapiro**

**Chapter 7**

**Movant(s):**

Michael Richard Shapiro

Represented By  
Terran T Steinhart

**Plaintiff(s):**

Harvey Vechery

Represented By  
Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#35.00** Hearing re: First interim application for allowance of fees and costs filed by Brown Rudnick LLP [12/7/2018 to 6/21/2019]

Docket 315

**Tentative Ruling:**

No tentative ruling in light of the apparent insufficiency of estate funds to pay the interim applications of the estate professionals in full at this time. Appearances are required on 7/30/19 to discuss the appropriate allocation of estate funds to pay interim fee applications, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#36.00** Hearing re: First interim application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses [11/13/2018 to 6/30/2019]

Docket 316

**Tentative Ruling:**

No tentative ruling in light of the apparent insufficiency of estate funds to pay the interim applications of the estate professionals in full at this time. Appearances are required on 7/30/19 to discuss the appropriate allocation of estate funds to pay interim fee applications, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#37.00** Hearing re: First interim application of LKP Global Law, LLP, special employment and labor counsel to the debtor, for approval of fees and reimbursement of expenses [11/13/2018 to 6/30/2019]

Docket 317

**Tentative Ruling:**

No tentative ruling in light of the apparent insufficiency of estate funds to pay the interim applications of the estate professionals in full at this time. Appearances are required on 7/30/19 to discuss the appropriate allocation of estate funds to pay interim fee applications, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#38.00** Hearing re: Motion for order authorizing debtor to enter into a month to month lease and to pay for moving expenses §363

Docket 95

**Tentative Ruling:**

No tentative ruling as of 7/29/19. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

Adv#: 2:19-01148 BARAKA HOLDINGS, LLC v. Arixa Fund III, L.P. et al

**#39.00** Hearing re: Motion to dismiss for failure to state a claim upon which relief can be granted FRBP 7012 & FRCP 12(b)(6) due to lack of standing & insufficient process or service of process FRCP 12(b)(4) & (5)

Docket 9

**\*\*\* VACATED \*\*\* REASON: Order deeming adv. proceeding dismissed as of 6/24/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding deemed dismissed by order filed and entered on 6/24/19. No appearances are required on 7/30/19.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Defendant(s):**

Jan Brzeski

Represented By  
Marc Weitz

Robert K. Barth

Represented By  
Marc Weitz

Greg Hebner

Represented By  
Marc Weitz

Arixa Fund III, L.P.

Represented By  
Marc Weitz

CROSSWIND VENTURE, L.P.

Represented By  
Marc Weitz

**Plaintiff(s):**

BARAKA HOLDINGS, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... BARAKA HOLDINGS, LLC**

**Chapter 7**

Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, July 30, 2019

Hearing Room 1675

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

Adv#: 2:19-01148 BARAKA HOLDINGS, LLC v. Arixa Fund III, L.P. et al

**#40.00** Hearing re: Motion to expunge lis pendens and for attorneys fees and costs

Docket 10

**\*\*\* VACATED \*\*\* REASON: Matter resolved on 7/8/19, per ntc of  
withdrawal of lis pendens, ECF 19-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by notice of withdrawal of lis pendens filed and entered on 7/8/19. No appearances are required on 7/30/19.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Defendant(s):**

Arixa Fund III, L.P.

Represented By  
Marc Weitz

CROSSWIND VENTURE, L.P.

Represented By  
Marc Weitz

Jan Brzeski

Represented By  
Marc Weitz

Robert K. Barth

Represented By  
Marc Weitz

Greg Hebner

Represented By  
Marc Weitz

**Plaintiff(s):**

BARAKA HOLDINGS, LLC

Represented By  
Douglas A Crowder

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... BARAKA HOLDINGS, LLC**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, July 30, 2019

Hearing Room 1675

2:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#41.00 Hearing re: Motion to dismiss adversary complaint by Starbucks Corporation

Docket 9

**Tentative Ruling:**

Grant defendant's motion to dismiss for failure to state a claim upon which relief can be granted because the complaint does not put defendant on notice of what specifically he did or did not do in disclosing his income, assets or financial condition, and thus, the complaint does not state a plausible claim for relief. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). However, since this is the first complaint, the court will grant the motion to dismiss, but with leave to amend at least this one time for plaintiff to assert a plausible claim. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Represented By  
Jaenam J Coe

**Plaintiff(s):**

Starbucks Corporation

Represented By  
Shayne Figgins  
Maria Keller

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-12348 Keith Williams**

**Chapter 7**

**#42.00** Hearing re: United States Trustee's motion to dismiss chapter 7 case for cause under 11 U.S.C. §707(a), with a one year refiling bar

Docket 19

**Tentative Ruling:**

Grant motion of United States Trustee to dismiss for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Keith Williams

Represented By  
Khachik Akhkashian

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13181 Serapio Venegas**

**Chapter 7**

**#43.00** Hearing re: Trustee's motion for order: (1) authorizing trustee to prepare list of creditors, schedules and statement of financial affairs; and (2) extending time to file complaint objecting to debtor's discharge

Docket 26

**Tentative Ruling:**

Grant motion of trustee to authorize him to prepare list of creditors, schedules and statement of financial affairs and to extend time to file complaint objecting to discharge for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 7/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Serapio Venegas

Pro Se

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-17949 Jennifer Lynn Smith**

**Chapter 7**

**#44.00** Hearing re: Application to proceed in forma pauperis

Docket 6

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 7/15/19-mb.**

**Tentative Ruling:**

Off calendar. Application approved by order entered on 7/15/19. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Jennifer Lynn Smith

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-17983 Natividad Cortez**

**Chapter 7**

**#45.00** Hearing re: Application to proceed in forma pauperis

Docket 5

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 7/15/19-mb.**

**Tentative Ruling:**

Off calendar. Application approved by order entered on 7/15/19. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Natividad Cortez

Represented By  
Lauren Ross (Pro Bono)

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-17997 Martha Paola Valencia**

**Chapter 7**

**#46.00** Hearing re: Application to proceed in forma pauperis

Docket 6

**\*\*\* VACATED \*\*\* REASON: Denied, fee installments set per order  
entered on 7/15/19-mb.**

**Tentative Ruling:**

Off calendar. Application denied , but fee installments authorized, by order entered on 7/15/19. No appearances are required on 7/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
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| Martha Paola Valencia | Pro Se |
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**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Edward M Wolkowitz (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#47.00** Cont'd hearing re: Trustee's motion for approval of compromise with Peter Spennato and sale to him of certain claims of the estate fr. 7/16/19

Docket 34

**Tentative Ruling:**

Revised tentative ruling as of 7/29/19 at 4:00 p.m. Deny trustee's motion to approve compromise with debtors' insider because the motion is a private sale of estate property to debtors' insider without an overbidding opportunity to other parties and is not fair, equitable and reasonable to the creditors of the estate in light of the unusual circumstances of this case in that the objecting creditors hold over 99% of the timely unsecured claims in these cases. The proposed settlement caps any recovery by these creditors to their detriment since they think they can do better in pending litigation against debtors and their insiders. Although trustee in her reply says that she is "skeptical" about the value of the claims of the objecting creditors, her skepticism is irrelevant under FRBP 3001(f) because the unobjected to claims are deemed prima facie correct and allowable. Under *In re A&C Properties*, 784 F.2d 1377, 1382 (9th Cir. 1986), the court is supposed to consider the paramount interest of the creditors and a proper deference to their reasonable views in the premises, and here, the objecting creditors holding 99% of the claims filed in these cases oppose the settlement. It seems to the court that a fair, equitable and reasonable settlement under FRBP 9019 here would be to consider an alternative proposal that the objecting creditors offer to pay the administrative expenses of the estate, plus the timely filed claims of the Franchise Tax Board, for the assets, and let the creditors pursue their nonbankruptcy remedies against debtors and their insiders, and whether they recover anything would be left for a nonbankruptcy forum while in the meantime, the cases will have been completely administered with the payment of all administrative expenses and timely filed claims. Such alternative proposal will need to be subject to a new FRBP 9019 motion with notice to all creditors and interested parties. The court does not defer to the business judgment of trustee here because the proposal is not fair, equitable and reasonable for the primary creditors of the estates by capping their potential recovery where they

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Peter Spennato DDS, Inc.**

**Chapter 7**

think their chances of a greater recovery are better outside bankruptcy with no prejudice to the estate or other creditors since alternatively, the administrative expense and timely filed claims would be paid. Appearances are required on 7/30/19, but counsel may appear by telephone.

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#48.00** Cont'd hearing re: Motion to compel abandonment of property under 11 U.S.C. § 554 fr. 7/16/19

Docket 29

**Tentative Ruling:**

Revised tentative ruling as of 7/29/19 at 3:00 p.m. Deny creditors' motion to compel trustee to abandon property because the undisputed evidence shows that the subject property, the estate's fraudulent transfer claims, are not burdensome or of inconsequential value and benefit to the estate because creditors are willing to pay at least \$33,200 and debtors' insider is willing to pay \$150,000 for the assets as shown by his settlement offer for these assets. 11 U.S.C. 554(b); FRCP 6007(b); In re Hyman, 123 B.R. 342, 347 (9th Cir. BAP 1991). Appearances are required on 7/30/19, but counsel may appear by telephone.

No tentative ruling as of 7/15/19. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#49.00** Cont'd hearing re: Motion for admission of excerpts from 2004 exam of Peter Spennato DDS, Inc., taken on March 28, 2019 fr. 7/16/19

Docket 36

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19 at 3:00 p.m. Grant in part and deny in part trustee's motion to allow transcript of FRBP 2004 examination of debtor to be used at the hearing on trustee's motion to approve compromise in that the transcript may be used as evidence in support of the motion, but technically speaking, the transcript of the FRBP 2004 examination is not a transcript of a deposition for purposes of FRCP 30(b)(6) and 32(a)(3) and that the trustee is not an adverse party of the debtor whose "deposition" is being used here. Appearances are required on 7/30/19, but counsel may appear by telephone.

Prior tentative ruling. Deny trustee's motion for admission of excerpts of Federal Rule of Bankruptcy Procedure 2004 examination of Peter Spennato without prejudice because the motion is premature in that it does not identify the hearing or trial for which the excerpts are to be used and the adverse party against whom the excerpts are being offered against. The motion is also defective because the citation in the motion to the rule relied upon by trustee as "Federal Rule 32(a)(3)" is incomplete, although the court construes the motion as being one pursuant to Federal Rule of Civil Procedure 32(a)(3). Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, July 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Peter Spennato DDS, Inc.**

Christian T Kim

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15665 Crystal Cathedral Ministries**

**Chapter 11**

**#1.00** Hearing re: Motion for rule 9011 sanctions against Douglas L. Mahaffey, Esq. and Crystal Cathedral Ministries

Docket 2100

**\*\*\* VACATED \*\*\* REASON: Cont'd from 7/31/19 to 9/18/19 at 11:00 a.m.  
per stip & order entered on 7/15/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 9/18/19 at 11:00 a.m. No appearances are required on 7/31/19.

**Party Information**

**Debtor(s):**

Crystal Cathedral Ministries

Represented By  
Marc J Winthrop  
Kavita Gupta  
G Emmett Raitt  
Nanette D Sanders  
Jeannie Kim  
Douglas L Mahaffey



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 11/28/18, 2/27/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#3.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 60

**\*\*\* VACATED \*\*\* REASON: Settled by stipulation per order entered on 7/23/19-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order. No appearances are required on 7/31/19.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/19/18, 2/27/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/16/18. No tentative ruling on the merits.  
Appearances are required on 7/18/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... People Who Care Youth Center, Inc. Chapter 11**

Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

People Who Care Youth Center, Inc.      Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#5.00** Status conference re: Confirmation of plan  
fr. 4/10/19, 4/17/19, 5/1/19

Docket 72

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. Deny confirmation of plan because contrary to debtor's assertion that impaired Class 3 claims (general unsecured claims) voted to "accept" the plan, such assertion is not true because while the numerosity test was met for Class 3 claims in that 83.3% of the number of claims voted to accept the plan which met the more than one-half in number requirement of 11 U.S.C. 1126(c), the dollar amount test was not met in that there was only 57.82% of the dollar amount of Class 3 claims voted to accept the plan while more than two-thirds (66.7%) of the dollar amount is required to accept the plan under 11 U.S.C. 1126(c), thus, there is no impaired class of claims accepting the plan here to allow confirmation under 11 U.S.C. 1129(a)(10). Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. Appearances are required on 5/1/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. The court has concerns regarding the adequacy of the information in the disclosure statement regarding bargain sales of debtor's accounts receivable and vehicle to its insider. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... The 17/21 Group, LLC**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/10/19, 4/17/19, 5/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:30 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#7.00** Hearing re: Second application to dismiss case based upon debtor's failure to comply with prior court order

Docket 258

**Tentative Ruling:**

Deny motion of United States Trustee to dismiss case for the reasons stated in the opposition of debtor on condition that debtor promptly file and serve a motion for final decree with supporting declarations demonstrating that all plan payments and other required payments have been made. Appearances are required on 7/31/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

11:30 AM

**2:19-17861 Tres Forte, Inc**

**Chapter 7**

**#8.00** Order to show cause why case should not be dismissed pursuant to Local Bankruptcy Rule 9011-2(a)

Docket 8

**Tentative Ruling:**

No tentative ruling as of 7/29/19. Appearances are required on 7/31/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Tres Forte, Inc

Pro Se

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, July 31, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#9.00** Cont'd hearing re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 4/17/19, 5/1/19, 5/8/19, 6/26/19

Docket 115

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19.

Prior tentative ruling. Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust, which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007). The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the redacted matter is privileged. Debtor as the objecting party must carry

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, July 31, 2019

Hearing Room 1675

1:30 PM

CONT...

**Raesi Group, Inc**

**Chapter 11**

its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky, 2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

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| <b>Party Information</b> |
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**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**Movant(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1639 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1639**

10:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(MMRC, LLC VS Debtor)

Docket 127

**Tentative Ruling:**

Sustain debtor's objection to appraisal report of movant's appraiser, Eric Burroughs, for the reasons stated in the objection and for lack of compliance with 28 U.S.C. 1746(2) and Local Bankruptcy Rule 5005-4 and Court Manual Section 3.4(b) because signature is not under declaration of penalty of perjury and does not conform to requirements of handwritten signature of the non-CM/ECF user witness. Because the appraisal report is not admissible, deny motion for stay relief without prejudice for lack of competent, admissible evidence of valuation to meet movant's burden of proving the lack of equity under 11 U.S.C. 362(d)(1) and (2) and (g)(1). In the reply, movant raises a new argument that the subject property is not property of the estate, which is in violation of Local Bankruptcy Rule 9013-1(g)(4) that "[n]ew arguments or matters raised for the first time in reply documents will not be considered." Movant may reassert this new argument in a new motion since denial of the motion will be without prejudice. Appearances are required on 8/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14061 Christina Marie Vigil**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(U.S. Bank National Association VS Debtor)

Docket 32

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Christina Marie Vigil

Represented By  
Derik N Lewis

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15692 Lawrence Edward Haynes and Kimberly Bertina Haynes**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(2017-1 IH Borrower LP VS Debtors)

Docket 19

**Tentative Ruling:**

No tentative ruling in light of debtors' opposition to the motion filed on 8/5/19. Appearances are required on 8/13/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Lawrence Edward Haynes Pro Se

**Joint Debtor(s):**

Kimberly Bertina Haynes Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16082 Christopher A. Castanon**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 17

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny relief from stay pursuant to 11 U.S.C. 362(d)(2) because the moving papers on their face show that debtor has equity in the collateral. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Christopher A. Castanon

Represented By  
Steven B Lever

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17570 Sara D Jesus Pozo Torrejon**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Sara D Jesus Pozo Torrejon

Represented By  
Francis Guilardi

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#5.10** Hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to decision concerning homestead decision (docket 364) and "tools of the trade" decision in adversary hearing docket [19]. Motion to amend findings of fact and conclusions of law in the homestead decision (docket 364) and "tools of the trade" decision (docket 19) in adversary hearing pursuant to bankruptcy rule 7052

Docket 419

**Tentative Ruling:**

No tentative ruling as of 8/12/19. Appearances are required on 8/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#5.20** Hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to revocation of discharge decision in adversary hearing. Motion to amend findings of fact and conclusions of law in the revocation of discharge decision pursuant to bankruptcy rule 7052

Docket 159

**Tentative Ruling:**

No tentative ruling as of 8/12/19. Appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

Arturo Gonzalez Pro Se

**Defendant(s):**

Arturo Gonzalez Pro Se

**Plaintiff(s):**

Wesley H. Avery Represented By  
Brett B Curlee

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#6.00** Status conference re: Removal of action to United States Bankruptcy Court Pursuant to 28 U.S.C. §1452(a)

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 9/10/19 at 2:00 p.m.  
per order entered on 8/8/19-st**

**Tentative Ruling:**

Off calendar. The court on its own motion has issued an order continuing the status conference in this adversary proceeding to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson

SulmeyerKupetz, APC

Represented By  
David J Richardson

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15448 Johnny Chun Choi**

**Chapter 7**

Adv#: 2:18-01252 FCP Brands, Inc. et al v. Choi

**#7.00** Cont'd status conference re: Complaint to non-dischargeability of debt pursuant to 11 U.S.C. §§ 523(a)(2), 523(a)(4), and 523(a)(6) fr. 10/9/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stipulated judgment entered on 6/19/19-mb.**

**Tentative Ruling:**

Off calendar. Matter resolved by stipulation and judgment thereon entered on 6/19/19. No appearances are necessary.

**Party Information**

**Debtor(s):**

Johnny Chun Choi

Represented By  
Desiree Meguerditchian

**Defendant(s):**

Johnny Chun Choi

Pro Se

**Joint Debtor(s):**

Tae Yi Choi

Represented By  
Desiree Meguerditchian

**Plaintiff(s):**

FCP Brands, Inc.

Represented By  
Roger F Friedman

MJCK Corporation

Represented By  
Roger F Friedman

Michael Chang

Represented By  
Roger F Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Johnny Chun Choi**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#8.00** Cont'd status conference re: Complaint for non-dischargeability of debtor under §523(a)(2)(A)  
fr. 1/8/19, 3/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/12/19. Appearances are required on 8/13/19, and parties to address the status of mediation, their failure to conduct a meeting of counsel pursuant to LBR 7026-1, the status of discovery and scheduling of further proceedings.

Prior tentative ruling as of 3/11/19. The court has reviewed the joint status report. Set a discovery cutoff date of 7/1/19 and a post-discovery status conference on 7/30/19 at 1:30 p.m. with a joint status report due on 7/23/19. Appearances are required on 3/12/19 to discuss the failure of counsel to have the early meeting of counsel under LBR 7026-1 and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling. The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Martha Alicia Fernandez**

**Chapter 7**

**Defendant(s):**

Martha Alicia Fernandez Pro Se

**Plaintiff(s):**

Yvette Walden Pro Se

Guadalupe L Cruz Pro Se

Jose L Cruz Pro Se

**Trustee(s):**

Elissa Miller (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-20733 Daniel Sanchez**

**Chapter 7**

Adv#: 2:18-01440 Gonzalez et al v. Sanchez

**#9.00** Cont'd status conference re: Complaint to determine debt to be non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(B) and for denial of discharge under § 727(A)(4) fr. 2/19/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stipulated Judgment entered on 8/2/19-mb.**

**Tentative Ruling:**

Off calendar. Matter resolved by stipulation and judgment thereon entered on 8/2/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Daniel Sanchez

Represented By  
James C Shields

**Defendant(s):**

Daniel Sanchez

Pro Se

**Plaintiff(s):**

Gustavo Gonzalez

Represented By  
Luis A Solorzano  
Giovanni Orantes

Rafael Gonzalez

Represented By  
Luis A Solorzano  
Giovanni Orantes

**Trustee(s):**

David M Goodrich (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01102 Sunderland et al v. Okland

**#10.00** Cont'd status conference re: Complaint for: (1)-(3) exception to discharge of certain debts [11 U.S.C. §§523(a)(2)(A),(4) and (6); (4)-(7) denial of discharge as to all debts [11 U.S.C. §§727(a)(2)-(5)]  
fr. 6/11/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 10/8/19 at 1:30 p.m.  
per stip & order entered on 8/9/19-st**

**Tentative Ruling:**

Updated tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/8/19 at 1:30 p.m. No appearances are required on 8/13/19.

Prior tentative ruling. The court has reviewed plaintiffs' unilateral status report and notes that plaintiffs resubmitted a request for entry of default on 6/7/19. The court on its own motion continues the status conference to 8/13/19 at 1:30 p.m. in order for plaintiffs' request for entry of default be considered by the court and for plaintiffs to prepare and file a motion for entry of default judgment. No appearances are required on 6/11/19.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Defendant(s):**

Dean Henrik Okland

Represented By

Roksana D. Moradi-Brovia

**Plaintiff(s):**

Jennifer Sunderland

Represented By

Kimberly Wright

James Farrow

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Dean Henrik Okland**

Kimberly Wright

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-12016 MINSEOK LEE**

**Chapter 7**

Adv#: 2:19-01163 Starbucks Corporation v. Lee

**#11.00** Status conference re: Complaint and demand for jury trial

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 10/1/19 at 1:30 p.m.  
per order entered on 8/1/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 10/1/19 at 1:30 p.m. by order entered on 8/1/19.  
No appearances are required on 8/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Pro Se

**Plaintiff(s):**

Starbucks Corporation

Represented By  
Shayne Figgins  
Maria Keller

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15989 Briena Sheree Casares**

**Chapter 7**

Adv#: 2:19-01202 Avery v. Casares

**#12.00** Status conference re: Notice of removal of State Court action to Federal Bankruptcy Court [Los Angeles County Superior Court Case No. RIP 18STPB08328]

Docket 0

**Tentative Ruling:**

No tentative ruling as of 8/12/19. The court will discuss with the parties the propriety of removing the probate proceedings from state court because it appears that this was contrary to the probate exception to federal jurisdiction as indicated by the Supreme Court in Marshall v. Marshall, 547 U.S. 293 (2006). Appearances are required on 8/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Briena Sheree Casares | Pro Se |
|-----------------------|--------|

**Defendant(s):**

|                       |        |
|-----------------------|--------|
| Briena Sheree Casares | Pro Se |
|-----------------------|--------|

**Plaintiff(s):**

|                 |                                |
|-----------------|--------------------------------|
| Wesley H. Avery | Represented By<br>Toan B Chung |
|-----------------|--------------------------------|

**Trustee(s):**

|                     |                                |
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| Wesley H Avery (TR) | Represented By<br>Toan B Chung |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15989 Briena Sheree Casares**

**Chapter 7**

**#12.10** Hearing re: Application to employ real estate broker

Docket 18

**Tentative Ruling:**

The court is not inclined to approve the application to employ the real estate broker because there is no evidence that title to the subject real property has been established in Debtor through the probate proceedings since there is no indication that there has been an order for distribution in the probate court distributing the property to Debtor, even though it may be the situation that Debtor has a beneficial interest in the property as an heir. Appearances are required on 8/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Briena Sheree Casares

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Toan B Chung

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-17849 Real Estate Law Center, P. C.**

**Chapter 7**

**#13.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

The date of service on the proof of service of the involuntary petition is blank and not under declaration of penalty of perjury, and a corrected proof of service needs to be filed. Assuming the date of service is 7/24/19, the response deadline of 8/19/19 has not yet passed. Appearances are required on 8/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Real Estate Law Center, P. C.

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01113 Diamond, Chapter 7 Trustee, Plaintiff v. Premier Rehabilitation Services, a

**#14.00** Cont'd pretrial conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 10/23/18, 1/8/19, 4/9/19, 6/11/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 10/15/19 at 2:00 p.m.  
per stip & order entered on 7/17/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/15/19 at 2:00 p.m. No appearances are required on 8/13/19.

Prior tentative ruling as of 5/25/18. The court has reviewed the joint status report. Set a discovery cutoff date of 8/30/18, a pretrial conference for 10/23/18 at 2:00 p.m. and a deadline for filing a joint pretrial stipulation on 10/16/18. In the joint pretrial stipulation, the parties will need to address handling a bifurcated trial between claims to be tried before a jury in the district court and claims to be tried by the court in this court. Once the court approves the joint pretrial stipulation, the court will set a date for the court trial of the claims to be tried by this court and will make a referral of the jury triable claims to the district court. Appearances are required on 5/29/18 to discuss scheduling of further proceedings.

Prior tentative ruling as of 2/5/18. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 2/6/18 to discuss scheduling of further proceedings, including timing of amendment of pleadings, the proposed extended discovery cutoff date and the setting of a pretrial conference, but counsel may appear by telephone. Defendants have demanded a jury trial, but the court will defer referral of the jury triable claims to the district court for jury trial until the pretrial conference which this court will conduct (unless defendant successfully moves the district court to withdraw the reference). Plaintiff's potential postpetition transfer claims are

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

core claims within this court's jurisdiction and do not appear to be jury triable.

Prior tentative ruling as of 11/6/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 11/7/17 to discuss scheduling of further proceedings, including mediation completion, extended discovery cutoff date and trial, but counsel may appear by telephone.

Prior tentative ruling as of 8/28/17. The court has reviewed the joint status report. No tentative ruling on the merits, but grant joint request to extend the discovery cutoff date to 9/30/17. Appearances are required on 8/29/17 to discuss scheduling of a pretrial conference and the second mediation, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 5/23/17 to discuss scheduling of further proceedings, including extension of discovery cutoff date to 6/30/17 and setting a date for a pretrial conference, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/17. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 3/21/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling. Set discovery completion date of 12/31/16 and set a post-discovery status conference for 1/17/17 at 1:30 p.m. Order the matter to mediation under the court's mediation program, and parties to file a request for selection of mediator and alternate by 9/30/16 and to complete mediation by 1/17/17. Appearances are required on 5/3/16, but counsel may appear by telephone. Plaintiff is ordered to submit a proposed scheduling order setting forth the court's rulings within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

Michael Jay Berger

**Defendant(s):**

Premier Rehabilitation Services, a Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7 Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR) Pro Se

Richard K Diamond (TR) Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-20615 Joseph West**

**Chapter 7**

**#15.00** Hearing re: Debtor's motion to reopen chapter 7 case

Docket 57

**Tentative Ruling:**

No tentative ruling as of 8/12/19. Appearances are required on 8/13/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Joseph West

Pro Se

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**:** **Morabito et al**  
Misc#: 2:19-00103 Morabito et al

**Chapter 0**

**#16.00** Hearing re: Motion to compel compliance with subpoena to Bob Burke & Company, Ltd.

Docket 15

**Tentative Ruling:**

Grant in part and deny in part motion of Herbst Parties to compel compliance with subpoena to Bob Burke & Co., Ltd., granting request for an order requiring subpoenaed party to respond to the document requests and appear before counsel for Herbst Parties to produce the records as demanded in the subpoena, to produce a privilege log to the extent that documents are claimed as privileged and to submit to the court in camera any and all documents claimed to be privileged with 14 days of entry of an order granting the motion. Deny without prejudice request for finding that subpoenaed party's response or lack of response to subpoena was in bad faith or for finding that subpoenaed party be held in contempt for failure to comply with the subpoena because Herbst Parties did not follow the court's rules and procedures for contempt proceedings under Local Bankruptcy Rule 9020-1 and because this is a nonparty subpoena, the court must first issue an order compelling compliance with the subpoena and the subpoenaed party must fail to comply with that order before contempt sanctions may be imposed. In re Plise, 506 B.R. 870, 879 (9th Cir. BAP 2014)("in cases of nonparty subpoenas under Civil Rule 45, the court must issue an order compelling compliance with the subpoena, and the nonparty must fail to comply with the order before any contempt sanctions can be awarded."). Appearances are required on 8/13/19, but counsel may appear by telephone.

**Party Information**

**Plaintiff(s):**

JH, Inc

Represented By  
Michael A Wallin

Jerry Herbst

Represented By  
Michael A Wallin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#17.00** Hearing re: Motion of defendants to compel plaintiff vexatious litigant to post security, and to restrict plaintiff's future filings, pursuant to C.C.P. Section 391

Docket 6

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 9/10/19 at 2:00 p.m.  
per order entered on 8/8/19-st**

**Tentative Ruling:**

Off calendar. The court on its own motion has issued an order continuing the hearing on the motion to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson

SulmeyerKupetz, APC

Represented By  
David J Richardson

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#18.00** Hearing re: Plaintiff's motion for partial summary judgment with respect to interpretation of the modified second amended plan of reorganization and confirmation order

Docket 612

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 8/14/19 at 1:30 p.m.  
per order entered on 8/6/19-st**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye  
Alan I Nahmias

**Defendant(s):**

Ace Gallery New York Corporation,

Represented By  
Alan W Forsley

Douglas Christmas

Represented By  
Alan W Forsley

Ace Gallery New York, Inc., a

Represented By  
Alan W Forsley

ACE MUSEUM, a California

Represented By  
Alan W Forsley

400 S La Brea, LLC a California

Represented By  
Michael W Vivoli  
Ashley M McDow  
Ronald Rus

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell  
Hal D Goldflam

Jennifer Kellen

Represented By  
Michael D Sobkowiak

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye  
David J Richardson  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#19.00** Hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to decision concerning homestead decision (docket 364) and "tools of the trade" decision in adversary hearing docket [19]. Motion to amend findings of fact and conclusions of law in the homestead decision (docket 364) and "tools of the trade" decision (docket 19) in adversary hearing pursuant to bankruptcy rule 7052

Docket 419

**\*\*\* VACATED \*\*\* REASON: Matter to be heard at 11:00 a.m.- st**

**Tentative Ruling:**

The hearing on the motion is advanced to the 11:00 a.m. calendar. No appearances are required on the 2:30 p.m. calendar.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#20.00** Hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to revocation of discharge decision in adversary hearing. Motion to amend findings of fact and conclusions of law in the revocation of discharge decision pursuant to bankruptcy rule 7052

Docket 159

**\*\*\* VACATED \*\*\* REASON: Matter to be heard at 11:00 a.m. -st**

**Tentative Ruling:**

The hearing on the motion is advanced to the 11:00 a.m. calendar. No appearances are required on the 2:30 p.m. calendar.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Plaintiff(s):**

|                 |                                  |
|-----------------|----------------------------------|
| Wesley H. Avery | Represented By<br>Brett B Curlee |
|-----------------|----------------------------------|

**Trustee(s):**

|                     |   |
|---------------------|---|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee<br>Dennis E McGoldrick |
|---------------------|---|



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

**#21.00** Hearing re: Motion for order: (1) authorizing and directing assignment to 7175 WB, LLC of avoidance actions for prosecution of the estate's behalf; (2) extending, or tolling, deadlines for commencing avoidance actions; (3) determining non-applicability of the debtor's "homestead" exemption to the property at 1483 N. Occidental Blvd., Los Angeles, CA; and (4) deferral of abandonment of property pending a determination of "homestead" exemption

Docket 123

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 8/27/19 at 2:30 p.m.  
per order entered on 8/7/19-st**

**Tentative Ruling:**

Off calendar. Continued to 8/27/19 at 2:30 p.m. pursuant to the court's order entered on 8/7/19. No appearances are required on 8/13/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

Adv#: 2:19-01032 Tilem v. Kudrave

**#22.00** Cont'd hearing re: 1) Motion to dismiss complaint to vacate order of confirmation as having been procured through fraud; 2) Deny application for all supplemental fees; 3) Request for monetary relief fr. 6/11/19

Docket 11

**\*\*\* VACATED \*\*\* REASON: Hearing vacated per order entered on 6/19/19-mb.**

**Tentative Ruling:**

Off calendar. Hearing vacated pursuant to order entered on 6/19/19. No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Peter G. Kudrave

Pro Se

**Defendant(s):**

Peter G. Kudrave

Pro Se

**Plaintiff(s):**

David A Tilem

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10326 Javier Garcia and Deanna Garcia**

**Chapter 7**

**#23.00** Hearing re: Motion to convert case from Chapter 7 to 13

Docket 33

**Tentative Ruling:**

Revised tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/1/19 at 2:30 p.m. No appearances are required on 8/13/19.

Prior tentative ruling. Treat motion to convert as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings, including discovery. Appearances are required on 8/13/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Javier Garcia

Represented By  
Sam Benevento

**Joint Debtor(s):**

Deanna Garcia

Represented By  
Sam Benevento

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14710 Armando C De La Peza**

**Chapter 7**

**#24.00** Hearing re: United States Trustee's motion to convert case from chapter 7 to chapter 11 pursuant to 11 U.S.C. section 706(b)

Docket 16

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/13/19 to 9/10/19 at 2:30 p.m.  
per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 9/10/19 at 2:30 p.m. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

Armando C De La Peza

Represented By  
James R Selth

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14827 Charmaine B. Durano**

**Chapter 7**

**#25.00** Hearing re: Motion to dismiss pursuant to 11 U.S.C. §521(e)(2) for failure to provide tax returns

Docket 10

**Tentative Ruling:**

Grant trustee's motion to dismiss for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 8/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charmaine B. Durano

Represented By  
Julie J Villalobos

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-18550 Angie Elias**

**Chapter 7**

**#26.00** Hearing re: Application to proceed in forma pauperis

Docket 5

**\*\*\* VACATED \*\*\* REASON: Fee waiver granted per order entered on  
7/26/19-mb.**

**Tentative Ruling:**

Off calendar. The court has ruled upon the application and vacated the hearing. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Angie Elias

Pro Se

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 13, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-18612 Elizabeth Jackson**

**Chapter 7**

**#27.00** Hearing re: Application to proceed in forma pauperis

Docket 6

**\*\*\* VACATED \*\*\* REASON: Installment payments granted per order  
entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. The court has ruled upon the application and vacated the hearing. No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Elizabeth Jackson

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15665 Crystal Cathedral Ministries**

**Chapter 11**

**#1.00** Hearing re: Motion to continue hearing on respondent Carol Milner's motion for Rule 9011 sanctions, etc.

Docket 2103

**\*\*\* VACATED \*\*\* REASON: Order denied as moot per order entered on 7/16/19-mb.**

**Tentative Ruling:**

Off calendar. Motion denied as moot pursuant to order filed and entered on 7/17/19. No appearances are required on 8/14/19.

**Party Information**

**Debtor(s):**

Crystal Cathedral Ministries

Represented By  
Marc J Winthrop  
Kavita Gupta  
G Emmett Raitt  
Nanette D Sanders  
Jeannie Kim  
Douglas L Mahaffey  
Roger F Friedman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#2.00** Cont'd status conference re: Various matters including sale of debtor's residence and creditor Cindy Magleby's possible exercise of her rights under 11 U.S.C. §363(i) fr. 4/17/19, 4/23/19, 6/12/19

Docket 656

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. According to debtor, the matter should be taken off calendar since the escrow for the sale of the property has closed. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/11/19. The court has reviewed debtor's status report on various matters. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#3.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby  
(claim numbers 13, 7, and 12)  
fr. 4/17/19, 4/23/19, 6/12/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits.  
Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits.  
Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits.  
Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#4.00** Cont'd hearing re: Disclosure statement  
fr. 4/17/19, 4/23/19, 6/12/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. According to debtor, the hearing on the disclosure statement should be continued for him to make revisions. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of



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11:00 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

further proceedings for an amended and revised disclosure statement, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

**#5.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 4/17/19, 4/23/19, 6/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. According to debtor, the status conference should be continued in light of the trial in the marital dissolution action scheduled in December 2019. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are

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**CONT... Curtis C. Magleby**  
required on 2/27/19.

**Chapter 11**

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits.  
Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits.  
Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits.  
Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits.  
Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits.  
Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By

**United States Bankruptcy Court  
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Los Angeles  
Judge Robert Kwan, Presiding  
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11:00 AM

CONT... **Curtis C. Magleby**

**Chapter 11**

Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#6.00** Cont'd hearing re: Second (revised) and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses fr. 12/11/18, 2/26/19, 4/30/19

Docket 617

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. Off calendar. Application resolved by order filed and entered on 7/30/19. No appearances are required on 8/14/19.

Prior tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/26/19 to discuss status of matter, including mediation proceedings, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Appearances are required on 12/11/18 to discuss scheduling and the parties' discovery and other pretrial needs, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

**#7.00** Cont'd status conference re: Post confirmation of plan  
fr. 10/16/18, 11/13/18, 3/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/16/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling will be issued for the evidentiary hearing on plan confirmation. Appearances are required on 5/31/18.

No updated tentative ruling as of 4/23/18. Appearances are required on 4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

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**CONT... Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits. Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits. Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits. Appearances are required on 11/29/17, but counsel may appear by telephone.

Prior tentative ruling. Based on the stipulation and order entered on 10/26/17, the evidentiary hearing on plan confirmation set for 11/2/17 and 11/3/17 will be treated as a non-evidentiary status conference on 11/2/17 at 9:00 a.m. Appearances are required on 11/2/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Kurt Ramlo



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#8.00** Hearing re: Confirmation of chapter 11 plan  
fr. 2/27/19, 4/10/19, 5/29/19

Docket 332

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. Grant debtor's motion to confirm its second amended Chapter 11 plan for the reasons stated in the moving papers and for lack of timely written opposition. Debtor to submit a proposed order granting the motion, but containing the mandatory language of LBR 3020-1(b). Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits, though it appears that there is no written opposition to the disclosure statement. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits. Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

No updated tentative ruling as of 9/18/18. Appearances are required on 9/19/18, but counsel may appear by telephone.

No tentative ruling as of 7/16/18. Appearances are required on 7/18/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
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**Hearing Room 1675**

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11:00 AM

**CONT... Plain Leasing, Inc.**

**Chapter 11**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 4/10/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits.  
Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits.  
Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/18. No tentative ruling on the merits.  
Appearances are required on 11/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/16/18. No tentative ruling on the merits.  
Appearances are required on 2/21/18, but counsel may appear by telephone.

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**CONT... Plain Leasing, Inc.**

**Chapter 11**

Prior tentative ruling as of 1/12/18. No tentative ruling on the merits. Appearances are required on 1/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/10/17. No tentative ruling on the merits. Appearances are required on 10/11/17, but counsel may appear by telephone.

Revised tentative ruling as of 7/25/17. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits, but the court notes that the cash flow projection described as Exhibit A was not attached to the status report. Appearances are required on 4/19/17 to discuss setting of claims bar date and further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, August 14, 2019**

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11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#10.00** Cont'd hearing re: Application for payment of final fees and/or expenses for Haberbush & Associates LLP, debtor's attorney  
fr. 7/17/19

Docket 194

**Tentative Ruling:**

Approve final fee application of general bankruptcy counsel for debtors in possession for reasons stated in the fee application as supplemented on 7/17/19 and for lack of timely written objection. Appearances are optional on 8/14/19, but counsel and applicant may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

Off calendar. The court on its own application by prior order continues the hearing on the motion to 8/14/19 at 11:00 a.m. No appearances are required on 7/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
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Los Angeles  
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11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#11.00** Cont'd hearing re: Reorganized debtors' motion for final decree and order closing case fr. 7/17/19

Docket 196

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. Grant debtors' motion for final decree and to close case for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court on its own motion by prior order continues the hearing on the motion to 8/14/19 at 11:00 a.m. No appearances are required on 7/17/19.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**Joint Debtor(s):**

Sandra Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
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11:00 AM

**2:17-17761 Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**#12.00** Status conference re: Post confirmation of plan  
fr. 2/6/19, 2/27/19, 4/10/19

Docket 135

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Updated tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19 to discuss the status of the settlement conference with Judge Zive, debtors and creditor Oggi's, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of disclosure statement because: (1) insufficient legal justification for separately classifying business and "consumer" unsecured claims; (2) insufficient justification for property valuations set forth in liquidation analysis; (3) insufficient justification for 30% capital gains tax burden in liquidation analysis. Appearances are required on 11/7/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

**United States Bankruptcy Court  
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11:00 AM

**CONT... Paul Bodeau and Sandra Bodeau**

**Chapter 11**

**Joint Debtor(s):**

Sandra Bodeau

Represented By  
Lane K Bogard  
David R Haberbush  
Vanessa M Haberbush  
Louis H Altman



**United States Bankruptcy Court  
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11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 2/27/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits.  
Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits.  
Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits.  
Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing  
a claims bar date of 1/24/18 with notice being served by 11/8/17 and a  
disclosure statement filing deadline of 2/28/18. These dates are satisfactory,  
and debtor should submit a proposed scheduling order. Appearances are

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11:00 AM

**CONT... JC Fits, Inc.**

**Chapter 11**

required on 11/1/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#14.00** Hearing re: Motion to compel acceptance or rejection of lease (11 U.S.C. 365)

Docket 192

\*\*\* VACATED \*\*\* REASON: Resolved by stip & order entered on 8/9/19-  
st

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order. No appearances are required on 8/14/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

11:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#15.00** Status conference re: Post confirmation of chapter 11 plan  
fr. 2/27/19, 3/6/19, 4/17/19

Docket 82

**Tentative Ruling:**

Updated tentative ruling as of 8/12/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#16.00** Hearing re: Third interim application for compensation and reimbursement of expenses of Michael Jay Berger

Docket 148

**Tentative Ruling:**

Approve interim fee application of general bankruptcy counsel for debtor in possession for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 8/14/19, but counsel and applicant may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#17.00** Hearing re: Application for payment of interim fees and/or expenses for Jennifer Min Liu, accountant (11 U.S.C. §331)

Docket 151

**Tentative Ruling:**

Approve interim fee application of accountant for debtor in possession for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 8/14/19, but counsel and applicant may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#18.00** Cont'd hearing re: Motion for relief from stay  
(Joe Klein VS Debtor)  
fr. 5/7/19, 6/13/19, 7/17/19

Docket 142

**Tentative Ruling:**

Updated tentative ruling as of 8/12/19. The stay relief motion appears to be moot due to the dismissal of the bankruptcy case since the stay is terminated pursuant to 11 U.S.C. 362(c)(2)(B). Appearances are optional on 8/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/3/19. No tentative ruling will be issued for trial. Appearances are required on 6/13/19.

Prior tentative ruling. The court was inclined to deny the stay relief motion at this time because of the limited and summary nature of a stay relief proceeding to determine whether movant as a creditor should be release from the stay to argue the merits of his claim in a separate proceeding. In re Griffin, 719 F.3d 1126, 1128 (9th Cir. 2013). Granting stay relief will require a determination of issues relating to the merits of movant's claim, such as whether the subject property is community property or not, whether there are reasonable prospects of reorganization and whether debtor filed the bankruptcy case in good faith, which are issues that will be determined in other proceedings pending before the court, that is, on movant's motion to dismiss and motion to appoint a Chapter 11 trustee, and debtor's motion to avoid movant's judgment lien. Appearances are required on 5/7/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Ben B. Safyari**

**Chapter 11**

Raymond H. Aver

**Movant(s):**

Joe Klein

Represented By  
Niv V Davidovich

Joe Klein

Represented By  
Niv V Davidovich



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#19.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#20.00** Cont'd hearing re: Defendants' motion to dismiss plaintiff's complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. § 105(a) fr. 7/2/19

Docket 16

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Represented By  
Anthony J Rothman Esq

April M. Zonnis

Represented By  
Anthony J Rothman Esq

Summers, Levine & Kretzmer, LLP

Represented By  
Anthony J Rothman Esq

Cindy S. Magleby

Represented By  
Anthony J Rothman Esq

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

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11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#21.00** Cont'd status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a) fr. 5/14/19, 6/25/19, 7/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/1/19. Off calendar. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

Prior tentative ruling as of 6/24/19. Off calendar. The court has reviewed plaintiff's unilateral status report requesting that the status conference be continued to 7/2/19 at 2:30 p.m. to be conducted with the hearing on defendants' motion to dismiss. The court on its own motion continues the status conference to 7/2/19 at 2:30 p.m. Counsel for plaintiff to notify counsel for defendants of the continuance. No appearances are required on 6/25/19.

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

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11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

Cindy S. Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**

Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#22.00** Cont'd hearing re: Plaintiff's motion for partial summary judgment with respect to interpretation of the modified second amended plan of reorganization and confirmation order  
fr. 8/13/19

Docket 612

**Tentative Ruling:**

No tentative ruling as of 8/13/19. Appearances are required on 8/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                   |   |
|-----------------------------------|---|
| Art and Architecture Books of the | Represented By<br>Thomas M Geher<br>David W. Meadows<br>Jerome S Cohen<br>Carolyn A Dye<br>Alan I Nahmias |
|-----------------------------------|---|

**Defendant(s):**

|                                   |                                    |
|-----------------------------------|------------------------------------|
| Ace Gallery New York Corporation, | Represented By<br>Alan W Forsley   |
| Douglas Christmas                 | Represented By<br>Alan W Forsley   |
| Ace Gallery New York, Inc., a     | Represented By<br>Alan W Forsley   |
| ACE MUSEUM, a California          | Represented By<br>Alan W Forsley   |
| 400 S La Brea, LLC a California   | Represented By<br>Michael W Vivoli |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

Ashley M McDow  
Ronald Rus  
Fahim Farivar  
Brian L Davidoff  
Keith Patrick Banner

Jennifer Kellen

Represented By  
J. Bennett Friedman

Michael D. Smith

Represented By  
Brian L Davidoff

Kamran Gharibian

Represented By  
Brian L Davidoff

Daryoush Dayan

Represented By  
Brian L Davidoff

Cathay Bank, a California

Represented By  
Reed S Waddell  
Hal D Goldflam

Jennifer Kellen

Represented By  
Michael D Sobkowiak

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn  
Daniel A Lev  
David J Richardson  
Asa S Hami  
Jessica Vogel

Official Committee Of Unsecured

Represented By  
David J Richardson  
Victor A Sahn

Sam Leslie

Represented By  
Victor A Sahn  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 14, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Art and Architecture Books of the 21st Century**

David J Richardson

Jason Balitzer

**Chapter 11**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 15, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

Adv#: 2:18-01447      Castelan v. Navarrete

**#1.00** TRIAL RE: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(A) fr. 2/19/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment for the plaintiff, per order entered on 7/18/19-mb.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 7/18/19. Off calendar. Stipulated judgment being entered. No appearances are necessary.

Prior tentative ruling.

Set a discovery cutoff date of 7/1/19 and a half-day trial for 8/15/19 at 9:00 a.m. to 12 p.m. (noon). The court waives pretrial conference and the requirement of a joint pretrial stipulation. Plaintiff must file and serve trial declarations for his nonadverse, cooperating witnesses by 7/18/19, and defendant must file and serve trial declarations for his nonadverse, cooperating witnesses by 8/1/19. The parties must serve their trial exhibits on each other by 7/18/19. The trial exhibits must be tagged with official court exhibit tags, and at the start of trial, the parties must provide with the court with the set of original exhibits in a binder with an exhibit register and a set of copies for the presiding judge. Unless cross-examination is waived, the witnesses must be present for examination, and each party in presenting his case must not "run" out of witnesses, or otherwise, he may be deemed to have rested. Appearances are required on 2/19/19 to discuss scheduling and possible mediation, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 15, 2019**

**Hearing Room 1675**

9:00 AM

**CONT... Oscar Gomez Navarrete**

**Chapter 7**

**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Defendant(s):**

Oscar Gomez Navarrete

Pro Se

**Plaintiff(s):**

Fernando Castelan

Represented By  
Marcus Gomez

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(James Clark VS Debtor)

Docket 98

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/20/19 to 8/28/19 at 1:30 p.m.  
per order entered on 8/16/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 8/28/19 at 1:30 p.m. by prior order. No  
appearances are required on 8/20/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16229 ROBERT RYAN SCHEFF**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(ACAR Leasing LTD dba GM Financial Leasing VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

ROBERT RYAN SCHEFF

Represented By  
Paul C Nguyen

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)

**Property: re: 22634 Maple Ave., Torrance, CA 90505**

Docket 24

**\*\*\* VACATED \*\*\* REASON: Matter rescheduled from 10:30 a.m. to 1:30  
p.m. per order entered on 8/15/19-mb.**

**Tentative Ruling:**

The hearing on the motion is rescheduled to the 1:30 p.m. calendar to be heard with other matters in the case. No appearances are required at 10:30 a.m.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)

**Property re: 22704 Maple Ave., Torrance, CA 90505**

Docket 25

**\*\*\* VACATED \*\*\* REASON: Matter rescheduled from 10:30 a.m. to 1:30  
p.m. per order entered on 8/15/19-mb.**

**Tentative Ruling:**

The hearing on the motion is rescheduled to the 1:30 p.m. calendar to be heard with other matters in the case. No appearances are required at 10:30 a.m.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16683 Evelyn Yadira Salas**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Evelyn Yadira Salas

Represented By  
Omar Zambrano

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17966 Tracy Marie Wilson**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(BMW Bank of North America VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Tracy Marie Wilson

Represented By  
Gregory M Shanfeld

**Movant(s):**

BMW Bank of North America

Represented By  
Cheryl A Skigin

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#6.10** Cont'd hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to decision concerning homestead decision (docket 364) and "tools of the trade" decision in adversary hearing docket [19]. Motion to amend findings of fact and conclusions of law in the homestead decision (docket 364) and "tools of the trade" decision (docket 19) in adversary hearing pursuant to bankruptcy rule 7052  
fr. 8/13/19

Docket 419

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/20/19.

No tentative ruling as of 8/12/19. Appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#6.20** Cont'd hearing re: Motion pursuant to bankruptcy rule 9023, to alter, or amend the judgment, or request a new trial, pursuant to revocation of discharge decision in adversary hearing. Motion to amend findings of fact and conclusions of law in the revocation of discharge decision pursuant to bankruptcy rule 7052 fr. 8/13/19

Docket 159

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/20/19.

No tentative ruling as of 8/12/19. Appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

Arturo Gonzalez Pro Se

**Defendant(s):**

Arturo Gonzalez Pro Se

**Plaintiff(s):**

Wesley H. Avery Represented By  
Brett B Curlee

**Trustee(s):**

Wesley H Avery (TR) Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#6.30** Cont'd hearing re: Motion by chapter 7 trustee, Wesley H. Avery, objecting to exemptions claimed in a homestead and in real estate brokerage commissions identified in the amended schedules (docket no. [393]), filed May 21, 2019, by debtor, Arturo Gonzalez; and requesting order for turnover of commissions belonging to the bankruptcy estate  
fr. 7/16/19

Docket 395

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/20/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

10:30 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#6.40** Cont'd hearing re: Motion by chapter 7 trustee Wesley H. Avery, pursuant to FRCP 11 and FRBP 9011 for sanctions against debtor, Arturo Gonzalez, including monetary sanctions of attorney fees and costs and directives of a monetary nature fr. 7/16/19

Docket 408

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/20/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

Adv#: 2:19-01088 7175 WB, LLC v. Levene, Neale, Bender, Yoo & Brill, L.L.P.

**#7.00** Cont'd status conference re: Complaint for damages resulting from violations of 28 U.S.C. § 959(b)  
fr. 5/28/19, 7/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per order entered on 7/16/19-mb.**

**Tentative Ruling:**

Off calendar. The status conference is moot because the adversary proceeding has been dismissed. No appearances are required on 8/20/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Defendant(s):**

Levene, Neale, Bender, Yoo & Brill,

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#8.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 11/6/18, 4/9/19, 6/12/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/20/19 to 10/22/19 at 1:30 p.m.  
per stip & order entered on 8/2/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/22/19 at 1:30 p.m. No appearances are required on 8/20/19.

Prior tentative ruling as of 6/11/19. Off calendar. Continued by stipulation and order to 8/20/19 at 1:30 p.m. No appearances are required on 6/12/19.

Prior tentative ruling as of 4/8/18. No tentative ruling on the merits. Appearances are required on 4/9/18, but counsel may appear by telephone.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. The court tends to agree with plaintiff and defendant Trinh that a determination of whether the estate has an interest in the subject property first would be a more efficient use of litigation resources as that seems to be a straightforward issue. Deciding this issue is a threshold issue for Second Generation's fraudulent transfer claims, and the parties would not have to litigate these claims if the assets were plaintiff's separate property. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court intends to advance the related matters on the court's 2:30 p.m. calendar to be heard with the status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Catherine Trinh**

**Chapter 11**

conference. However, the status conference will be conducted at the end of the 1:30 p.m. for matters in other cases to be called first. Appearances are required on 8/21/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

**#9.00** Cont'd hearing re: Motion to avoid lien under 11 U.S.C. §522(f) (real property) with Geoffrey Thomas fr. 7/16/19

Docket 37

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Both parties failed to provide separate tabs for exhibits attached to judge's copies of their papers as required by LBR 5005-2(d).  
Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#10.00** Order to show cause why case should not be dismissed pursuant to Local Bankruptcy Rule 9011-2(a)

Docket 17

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/20/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#11.00** Hearing re: Motion for order: (A) dismissing involuntary petition against Reyna Taylor Under FRCP 12(b)(1) and 12(b)(6), or for abstention under 11 U.S.C. 305(a); and (b) for monetary and other sanctions under 11 U.S.C. 303(i), (k)

Docket 6

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#12.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

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| <b>Party Information</b> |
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**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#12.10** Hearing re: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)

**Property: re: 22634 Maple Ave., Torrance, CA 90505**

Docket 24

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#12.20** Hearing re: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)

**Property re: 22704 Maple Ave., Torrance, CA 90505**

Docket 25

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc. and Bahram**

**Chapter 7**

**#13.00** Hearing re: Motion of non-debtors Bahram Bordbar and Malahat Bordbar, individually and as trustees of the Bordbar Family Trust, and Leya Technologies, LLC for protective order from FRBP 2004 orders and subpoenas issued pursuant thereto

Docket 92

**\*\*\* VACATED \*\*\* REASON: Per order entered on 8/6/19 -st**

**Tentative Ruling:**

Off calendar. Hearing vacated by order entered on 8/6/19. No appearances are required on 8/20/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#14.00** Status conference re: Motion for contempt

Docket 205

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/20/19 to 8/21/19 at 11:00 a.m.  
per order entered on 8/15/19-mb.**

**Tentative Ruling:**

Off calendar. The court on its own motion continues the status conference to 8/21/19 at 11:00 a.m. to be heard with other matters in this case. No appearances are required on 8/20/19.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**:**           **Musico et al**  
Misc#: 2:13-00143    Musico et al

**Chapter 0**

**#15.00**    Hearing re: Motion for order determining the defendant's claim of exemption

Docket        9

**\*\*\* VACATED \*\*\* REASON: Settled by stip & order entered on 8/16/19-  
mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order. No appearances are required on 8/20/19.

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| <b>Party Information</b> |
|--------------------------|

**Plaintiff(s):**

Business to Business Capital Cor

Represented By  
Ronald P Slates



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-40813 Cinevision International, Inc.**

**Chapter 7**

**#16.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Edward M. Wolkowitz, Chapter 7 Trustee]

Docket 309

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 8/20/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cinevision International, Inc.

Represented By  
Alan W Forsley

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Bradley J Yourist

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:11-40813 Cinevision International, Inc.**

**Chapter 7**

**#17.00** Hearing re: Application for fees and expenses  
[Donald T. Fife, Accountnat for Chapter 7 Trustee]

Docket 305

**Tentative Ruling:**

Approve final report and fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 8/20/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cinevision International, Inc.

Represented By  
Alan W Forsley

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Bradley J Yourist

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#18.00** Cont'd hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Diane C. Weil, Chapter 7 Trustee]  
fr. 7/30/19

Docket 185

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 8/20/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the trustee's final report and fee application, and the court is inclined to approve the final report and fee application for the reasons stated therein and for lack of timely written objection. However, because general bankruptcy counsel for trustee has not provided a judge's copy of its fee application as required by LBR 5005-2(d), the court will continue the hearing for submission of the judge's copy of that fee application. Appearances are required on 7/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#19.00** Cont'd hearing re: Application for fees and expenses  
[Danning, Gill, Diamond & Kollitz, LLP, Attorney for Chapter 7 Trustee]  
fr. 7/30/19

Docket 183

**Tentative Ruling:**

Revised tentative ruling as of 8/19/19. The court has reviewed the final fee application of former general counsel for trustee, and the court is inclined to approve the final fee application for the reasons stated therein and for lack of timely written objection. However, regarding the fact that the signature of the successor trustee on the declaration of non-objection to the application which was to follow was not filed as required by LBR 2016-1(a)(1)(J) and (c), applicant has filed the declaration of Eric Israel regarding the status of applicant's efforts to obtain the successor trustee's signature on the declaration in support of the fee application. No tentative ruling on the merits. Appearances are required on 8/20/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. Applicant has not provided a judge's copy of the fee application as required by LBR 5005-2(d), and the court will continue the hearing for submission of the judge's copy. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... MEHRDAD TAHERIPOUR**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#20.00** Cont'd hearing re: Motion by chapter 7 trustee Wesley H. Avery, pursuant to FRCP 11 and FRBP 9011 for sanctions against debtor, Arturo Gonzalez, including monetary sanctions of attorney fees and costs and directives of a monetary nature fr. 7/16/19

Docket 408

**\*\*\* VACATED \*\*\* REASON: Matter advanced to 10:30 a.m. calendar per order entered on 8/14/19-mb.**

**Tentative Ruling:**

Off calendar. Matter advanced to 10:30 a.m. hearing calendar. No appearances are required at 2:30 p.m.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#21.00** Cont'd hearing re: Motion by chapter 7 trustee, Wesley H. Avery, objecting to exemptions claimed in a homestead and in real estate brokerage commissions identified in the amended schedules (docket no. [393]), filed May 21, 2019, by debtor, Arturo Gonzalez; and requesting order for turnover of commissions belonging to the bankruptcy estate  
fr. 7/16/19

Docket 395

**\*\*\* VACATED \*\*\* REASON: Matter advanced to 10:30 a.m. calendar per order entered on 8/14/19-mb.**

**Tentative Ruling:**

Off calendar. Matter advanced to 10:30 a.m. hearing calendar. No appearances are required at 2:30 p.m.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#22.00** Hearing re: Defendants motion for sanctions pursuant to FRBP 9011 against Illyssa Fogel, Curtis C. Magleby

Docket 26

**Tentative Ruling:**

Updated tentative ruling as of 8/20/19. Off calendar. Motion withdrawn by stipulation and order. No appearances are required on 8/20/19.

Revised tentative ruling as of 8/19/19. Counsel for both parties have informally advised the court that the parties are settling and will be submitting stipulations to resolve their disputes shortly. No tentative ruling on the merits. Appearances are required on 8/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Represented By  
Anthony J Rothman Esq

April M. Zonnis

Represented By  
Anthony J Rothman Esq

Summers, Levine & Kretzmer, LLP

Represented By  
Anthony J Rothman Esq

Cindy S. Magleby

Represented By  
Anthony J Rothman Esq



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

---

2:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#22.10** Hearing re: Application to employ nunc pro tunc Howe Engelbert, LLP, as special litigation counsel

Docket 723

**Tentative Ruling:**

Approve application to employ special litigation counsel for debtor in possession. Overrule objection of creditor to employment application since employment of special litigation counsel to represent debtor in possession in the marital dissolution case is within reasonable business judgment of debtor in possession.

Appearances are required on 8/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#22.20** Cont'd hearing re: Defendants' motion to dismiss plaintiff's complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. § 105(a)  
fr. 7/2/19, 8/14/19

Docket 16

**Tentative Ruling:**

Updated tentative ruling as of 8/20/19. Off calendar. The motion to dismiss is moot because the adversary proceeding is being dismissed by stipulation and order. No appearances are required on 8/20/19.

Revised tentative ruling as of 8/19/19. Counsel for both parties have informally advised the court that the parties are settling and will be submitting stipulations to resolve their disputes shortly. No tentative ruling on the merits. Appearances are required on 8/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

**Defendant(s):**

Marci R. Levine

Represented By  
Anthony J Rothman Esq

April M. Zonnis

Represented By  
Anthony J Rothman Esq

Summers, Levine & Kretzmer, LLP

Represented By  
Anthony J Rothman Esq

Cindy S. Magleby

Represented By  
Anthony J Rothman Esq

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:19-01008 Magleby v. Levine et al

**#22.30** Cont'd status conference re: Complaint for: 1. Willful violation of the automatic stay under 11 U.S.C. §362(k); 2. Attorney's fees and costs under 11 U.S.C. §362(k) and FRBP 7008(b); and 3. Injunctive relief under 11 U.S.C. §105(a) fr. 6/25/19, 7/2/19, 8/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/20/19. Off calendar. The status conference is moot because the adversary proceeding is being dismissed by stipulation and order. No appearances are required on 8/20/19.

Revised tentative ruling as of 8/19/19. Counsel for both parties have informally advised the court that the parties are settling and will be submitting stipulations to resolve their disputes shortly. No tentative ruling on the merits. Appearances are required on 8/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/1/19. Off calendar. The court issued a written order granting the motion in part and continuing the hearing on the remaining issue raised by the motion and the status conference to 8/14/19 at 11:30 a.m. No appearances are required on 7/2/19.

Prior tentative ruling as of 6/24/19. Off calendar. The court has reviewed plaintiff's unilateral status report requesting that the status conference be continued to 7/2/19 at 2:30 p.m. to be conducted with the hearing on defendants' motion to dismiss. The court on its own motion continues the status conference to 7/2/19 at 2:30 p.m. Counsel for plaintiff to notify counsel for defendants of the continuance. No appearances are required on 6/25/19.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling. Continued by stipulation and order to 5/14/19 at 1:30 p.m. No appearances are required on 3/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**Defendant(s):**

Marci R. Levine

Pro Se

April M. Zonnis

Pro Se

Summers, Levine & Kretzmer, LLP

Pro Se

Cindy S. Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-20432 Don Gonzalez**

**Chapter 7**

Adv#: 2:18-01432 Swift Financial, LLC v. Gonzalez

**#23.00** Hearing re: Motion to: 1) Compel Discovery Responses and Deem Admissions Admitted; 2) Strike Defendant's Answer to the Complaint and Proceed by Way of Default

Docket 11

**Tentative Ruling:**

Grant in part and deny in part plaintiff's motion to compel discovery responses, and order defendants to serve written responses to the interrogatories and requests for production of documents within 30 days, extending discovery cutoff dates for such responses, deny request to deem requests for admission as admitted since requests for admission are self-executing, deny request to strike an answer and enter default at this time, pending further responses from defendants to respond to discovery requests, and deny request for sanctions in the form of an award of attorneys' fees for lack of proof of reasonableness of requested fees. Appearances are required on 8/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Defendant(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Plaintiff(s):**

|                      |                                     |
|----------------------|-------------------------------------|
| Swift Financial, LLC | Represented By<br>Daren M Schlecter |
|----------------------|-------------------------------------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Wesley H Avery (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#24.00** Hearing re: Motion of GemCap Lending I, LLC to alter or amend the sale order pursuant to Bankruptcy Rule 9023, or in the alternative, for relief from the sale order pursuant to Bankruptcy Rule 9024

Docket 323

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/20/19 to 9/10/19 at 2:30 p.m.  
per order entered on 8/6/19-st**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 9/10/19 at 2:30 p.m. by prior order. No appearances are required on 8/20/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-24509 Rosa E Cerna**

**Chapter 7**

**#25.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Elissa D. Miller, Chapter 7 Trustee]

Docket 24

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 8/20/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rosa E Cerna

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11150 Precision AgriTech Inc.**

**Chapter 7**

**#26.00** Hearing re: Motion to: (1) Authorize Sale of Substantially All of the Debtor's Assets at Public Auction Free and Clear of Liens; (2) Authorize the Employment of Brian Testo Associates, LLC, To Conduct Such Sale; (3) Approve Compromise Regarding Such Sale Between the Trustee, The Melideo Trust and West Coast Real Estate Holdings LLC; and (4) Approve Proposed Allocation of Sale Proceeds and Expenses

Docket 30

**Tentative Ruling:**

Grant trustee's motion to authorize sale of substantially all of the debtor's assets at public auction free and clear of liens, authorize employment of auctioneer to conduct such sale, approve compromise regarding such sale between trustee and landlord creditors and approve allocation of sales proceeds and expenses for the reasons stated in the moving papers and for lack of timely written opposition. The auction sale is within the reasonable business judgment of trustee to derive value for the estate, and the assets may be sold free and clear of liens based on consent, agreement and/or existence of a bona fide dispute pursuant to 11 U.S.C. 363(f), at least, 11 U.S.C. 363(f)(2) and (4). The employment of the auctioneer is within the reasonable business judgment of trustee. The compromise is fair and equitable and within the reasonable business judgment of trustee, considering the litigation hazards regarding disputes with the creditors involved, the costs of collection and the paramount interests of creditors. Appearances are required on 8/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Precision AgriTech Inc.

Represented By  
Ashley M McDow

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 20, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11153 Precision AgriTechnologies LLC**

**Chapter 7**

**#27.00** Hearing re: Motion to: (1) Authorize Sale of Substantially All of the Debtor's Assets at Public Auction Free and Clear of Liens; (2) Authorize the Employment of Brian Testo Associates, LLC, To Conduct Such Sale; (3) Approve Compromise Regarding Such Sale Between the Trustee, The Melideo Trust and West Coast Real Estate Holdings LLC; and (4) Approve Proposed Allocation of Sale Proceeds and Expenses

Docket 29

**Tentative Ruling:**

Grant trustee's motion to authorize sale of substantially all of the debtor's assets at public auction free and clear of liens, authorize employment of auctioneer to conduct such sale, approve compromise regarding such sale between trustee and landlord creditors and approve allocation of sales proceeds and expenses for the reasons stated in the moving papers and for lack of timely written opposition. The auction sale is within the reasonable business judgment of trustee to derive value for the estate, and the assets may be sold free and clear of liens based on consent, agreement and/or existence of a bona fide dispute pursuant to 11 U.S.C. 363(f), at least, 11 U.S.C. 363(f)(2) and (4). The employment of the auctioneer is within the reasonable business judgment of trustee. The compromise is fair and equitable and within the reasonable business judgment of trustee, considering the litigation hazards regarding disputes with the creditors involved, the costs of collection and the paramount interests of creditors. Appearances are required on 8/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Precision AgriTechnologies LLC

Represented By  
Ashley M McDow

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#1.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 5/15/19, 6/11/19, 7/17/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. the court has reviewed the unilateral status report filed by creditor Emma Borges. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7.

Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion for order approving second amended disclosure statement describing debtor's second amended chapter 11 plan fr. 5/15/19, 6/11/19, 7/17/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. The court is inclined to allow the parties to participate in mediation before the settlement judge before ruling on the amended disclosure statement. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#3.00** Hearing re: Unsecured creditor, Emma Borges' motion for order re compel debtor to comply with the terms of the all-day mediation overseen by Bankruptcy Judge Thomas Donovan

Docket 270

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#4.00** Cont'd hearing re: Creditor Baldwin Sun Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19, 8/21/19

Docket 310

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00 a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m.  
No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#5.00** Cont'd hearing re: Creditor Cong Ty May Vietmy's motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19

Docket 314

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00 a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m.  
No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#6.00** Cont'd hearing re: Creditor Gia Phu Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19

Docket 312

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00 a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m.  
No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#7.00** Cont'd hearing re: Creditor Shen-Shaoxing Tuchang Knitting Textile Co., Ltd.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19

Docket 316

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00 a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m.  
No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#8.00** Cont'd hearing re: Disclosure statement  
fr. 5/15/19, 6/27/19, 7/17/19

Docket 277

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00  
a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m. No appearances are required on 8/21/19.

No tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/15/19, 6/27/19, 7/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/23/19 at 11:00  
a.m. per stip & order entered on 7/26/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/23/19 at 11:00 a.m. No appearances are required on 8/21/19.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 7/13/18 and proposed date for filing a disclosure statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Catherine Trinh**

Alan W Forsley

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#10.00** Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution  
fr. 11/28/18, 1/30/19, 5/8/19

Docket 103

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on 11/28/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 11/5/18. Off calendar. Continued on the court's



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11**

own motion to 11/14/18 at 11:00 a.m. No appearances are required on 11/7/18.

Prior tentative ruling. Continued on the court's own motion by written order to 11/7/18 at 10:00 a.m. No appearances are required on 10/24/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#10.10** Cont'd status conference re: Motion for contempt  
fr. 8/20/19

Docket 205

**Tentative Ruling:**

No tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/17/18, 1/30/19, 5/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 5/15/18 will not be approved since this court generally requires at least 60 days notice to creditors of a claims bar date. The estimated administrative expenses in this case stated in the status report for \$250,000 to \$350,000 seem high, especially since debtors' budget motion and income and expense statements showing net income of about \$1,700 per month do not show that debtors have the ability to afford such expenses. There should be some explanation why the large amount of professional fee expenses estimated in the status report are needed in this case, and how debtors will be able to pay for these expenses (i.e., are they selling their real property to raise funds to pay for these fees). Appearances are required on 4/11/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

- #12.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 1/8/19, 1/30/19, 5/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Defendant(s):**

Shahriar Joseph Zargar

Pro Se

Shabnam Mesachi

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Shahriar Joseph Zargar**

**Chapter 11**

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#13.00** Hearing re: Motion to avoid judicial lien of Joe Klein under 11 U.S.C. §522(f) (real property)

Docket 182

**Tentative Ruling:**

Off calendar. The motion is moot in light of the order dismissing the case entered on 7/30/19. No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#14.00** Hearing re: Motion for order approving original disclosure statement describing debtor's chapter 11 plan as containing adequate information

Docket 202

**Tentative Ruling:**

Off calendar. The motion is moot in light of the order dismissing the case entered on 7/30/19. No appearances are required on 8/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#15.00** Cont'd hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief  
fr. 5/13/19, 5/30/19, 6/10/19

Docket 248

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/22/19 at 2:00 p.m.  
per order entered on 8/15/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/22/19 at 2:00 p.m. No appearances are required on 8/21/19.

Prior tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the hearing from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the hearing from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits. Appearances are required on 6/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits. Appearances are required on 5/30/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Prior tentative ruling as of 5/13/19. Appearances are required on 5/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#16.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/13/19, 5/30/19, 6/10/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/21/19 to 10/22/19 at 2:00 p.m.  
per order entered on 8/15/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/22/19 at 2:00 p.m. No appearances are required on 8/21/19.

Prior tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the status conference from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the status conference from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits. Appearances are required on 6/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits. Appearances are required on 5/30/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 21, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 22, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-15550 Jose Antonio Salgado**

**Chapter 7**

Adv#: 2:18-01257      TRANSPORT FUNDING, LLC v. Salgado

**#1.00** TRIAL RE: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(B) and 523(a)(4) fr. 10/9/18, 2/12/19, 5/23/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from to 8/22/19 to 8/27/19 at 1:30 p.m. per order entered on 8/15/19-mb.**

**Courtroom Deputy:**

**[Cont'd from to 8/22/19 to 8/27/19 at 1:30 p.m. per order entered on 8/15/19]**

**Tentative Ruling:**

Updated tentative ruling as of 8/19/19. Off calendar. Continued to 8/27/19 at 1:30 p.m. as a status conference pursuant to prior order entered on 8/15/19. No appearances are required on 8/22/19.

Prior tentative ruling as of 2/11/19. No tentative ruling on the merits. Appearances are required on 2/12/19 to discuss scheduling of further proceedings, including the pretrial conference, but counsel may appear by telephone.

Prior tentative ruling. Set discovery cutoff date of 1/31/19 and a post-discovery status conference on 2/12/19 at 1:30 p.m. A joint status report is due on 2/5/19. Appearances are required on 10/9/18 to discuss scheduling, possible waiver of requirement of a pretrial conference and possible referral of dispute to mediation, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose Antonio Salgado

Represented By  
Juan Castillo-Onofre

**Defendant(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 22, 2019**

**Hearing Room 1675**

9:00 AM

**CONT... Jose Antonio Salgado**

**Chapter 7**

Jose Antonio Salgado

Pro Se

**Joint Debtor(s):**

Telma Aida Salgado

Represented By  
Juan Castillo-Onofre

**Plaintiff(s):**

TRANSPORT FUNDING, LLC

Represented By  
Jennifer Witherell Crastz  
Casey Z Donoyan

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#1.00** Hearing re: Motion for relief from stay  
(U.S. Bank Trust National Association VS Debtor)

Docket 65

**Tentative Ruling:**

No tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**Movant(s):**

U.S. Bank Trust National

Represented By  
Kristin A Zilberstein

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Wells Fargo Bank, N.A. VS Debtor)

Docket 15

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/27/19 to 10/8/19 at 10:30 a.m.  
per stip & order entered on 8/23/19-mb.**

**Tentative Ruling:**

Off calendar. The hearing is continued by stipulation and order to 10/8/19 at 10:30 a.m. The order further provides that because service of the moving papers was deficient because movant has not served a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d), movant was ordered to comply with the rule and serve a judge's copy of its moving papers with separately tabbed exhibits within 7 days of the date of entry of the order. No appearances are required on 8/27/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16926 Carlos Avelar**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Americredit Financial Services, Inc VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Carlos Avelar

Represented By  
Neil R Hedtke

**Movant(s):**

AMERICREDIT FINANCIAL

Represented By  
Mandy D Youngblood  
Jennifer H Wang

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Carlos Avelar**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17768 Damien Damon Bell**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(160 S. Gramercy LLC VS Debtor)

Docket 11

**Tentative Ruling:**

The moving papers are deficient because movant has not served a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d). Continue hearing until movant complies with this rule. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Damien Damon Bell

Represented By  
Nicholas M Wajda

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18539 Maria Torres**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(YGreen Investments, LLC VS Debtor)

Docket 7

**Tentative Ruling:**

Deny motion for stay relief under 11 U.S.C. 362(d)(1) for lack of showing that debtor has or claims an interest in the subject property or that the automatic stay arising in debtor's bankruptcy case otherwise affects the subject property. Deny requests for extraordinary relief in paragraphs 7, 9 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Maria Torres

Represented By  
Todd L Turoci

**Movant(s):**

YGreen Investments, LLC

Represented By  
Barry L O'Connor

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18550 Angie Elias**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Edgar and Asuncion Loualhati VS Debtor)

Docket 15

**Tentative Ruling:**

Deny motion for stay relief under 11 U.S.C. 362(d)(1) as moot because the case was dismissed on 8/13/19. Deny requests for extraordinary relief in paragraphs 5, 7, 9, 10 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are optional on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Angie Elias

Pro Se

**Movant(s):**

Edgar and Asuncion Loualhati

Represented By  
Helen G Long

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#7.00** Cont'd hearing re: Motion to dismiss  
fr. 10/9/18, 3/12/19, 4/30/19

Docket 23

**Tentative Ruling:**

No updated tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/29/19. As stated in the prior tentative ruling as of 3/11/19, defendant's motion to dismiss should be converted to one for summary judgment with defendant as the moving party needing to file a statement of uncontroverted facts and conclusions of law and plaintiff as the opposing party needing to file a statement of genuine issues. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. Defendant filed a notice that the state appellate court issued its opinion on plaintiff's appeal in the state court action, but did not attach a copy of the opinion. Based on defendant's motion to dismiss plaintiff's first amended complaint (docket number 23) as supplemented in further pleadings (docket numbers 28, 88 and 90), it appears that the motion to dismiss should be converted to a motion for summary judgment since defendant's pleadings refer to matters outside the pleadings in order to argue that the first amended complaint should be dismissed with prejudice on grounds of res judicata. Federal Rule of Bankruptcy Procedure 7012, incorporating by reference, Federal Rule of Civil Procedure 12(d). As such, the court should order defendant as the moving party to file a statement of uncontroverted facts and conclusions of law under Local Bankruptcy Rule 7056-1(b)(2) and plaintiff as the responding party a

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Gary Moll**

**Chapter 7**

statement of genuine issues and conclusions of law under Local Bankruptcy Rule 7056-1(c)(2), so that there are coherent reasons based on the record for the court's ultimate ruling on the motion. Moreover, it is unclear that the state court judgment as upheld by the state appellate court is final for res judicata purposes since it is unclear if the time for further appellate review by the California Supreme Court has expired. See *Pellissier v. Title Guarantee & Trust Co.*, 208 Cal. 172, 184 (1929). Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The hearing is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 6/12/17. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

Appearances are required on 6/13/17, but counsel may appear by telephone.

Updated tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation and the court would stay the proceedings in this court until the state court litigation is completed, the court would deny the motion without prejudice. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

No tentative ruling as of 8/8/16. Appearances are required on 8/9/16, but counsel may appear by telephone.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Gary Moll**

**Chapter 7**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir  
Gary E Moll

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir  
Gary E Moll

Gary E Moll and Associates

Represented By  
Ilyse Klavir  
Gary E Moll

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#8.00** Cont'd status conference re: Complaint for dischargeability 11 U.S.C. §523(a)(2), false pretenses, false representation, actual fraud and dischargeability; 11 U.S.C. §523(a)(6), willful and malicious injury; verification fr. 10/9/18, 3/12/19, 4/30/19

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The status conference is continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation, and the court would stay the proceedings in this court until the state court litigation is completed. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Gary Moll**

**Chapter 7**

Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits. Appearances are required on 8/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. Off calendar. The court noting that defendant has noticed a hearing on his motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m., the court continues on its own motion the status conference on 7/19/16 at 1:30 p.m. to the date and time of the hearing on defendant's motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m. No appearances are required on 7/19/16.

Prior tentative ruling. The status conference will be heard at 3:00 p.m. with the hearing on defendant's motion to dismiss. Appearances are required on 3:00 p.m. calendar, not the 1:30 p.m. calendar. No tentative ruling on the merits for the status conference.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir

Gary E Moll and Associates

Represented By  
Ilyse Klavir

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

**Plaintiff(s):**

Gary Salzman Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR) Pro Se

Howard M Ehrenberg (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (LA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23326 Alfred Lee Stringer**

**Chapter 7**

Adv#: 2:19-01053 Lee et al v. Stringer

**#9.00** Cont'd status conference re: Adversary complaint for determination of dischargeability and objection to debtor's discharge pursuant to 11 U.S.C. §§ 523(a)(2)(A) and 523(a)(6), for attorney's fees and costs  
fr. 4/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Appearances are required on 4/30/19 to address why monetary sanctions of \$100 should not be imposed each on counsel for plaintiffs and defendant who is self-represented for failure to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference filed and entered on 2/21/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Defendant(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Plaintiff(s):**

|              |                                       |
|--------------|---------------------------------------|
| Mylaunna Lee | Represented By<br>Albert L Chaney III |
|--------------|---------------------------------------|

|                   |                                       |
|-------------------|---------------------------------------|
| Sharlet Marie Lee | Represented By<br>Albert L Chaney III |
|-------------------|---------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Alfred Lee Stringer**

**Chapter 7**

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:18-01375 Vance v. Zacky & Sons Poultry, LLC

**#10.00** Cont'd status conference re: Class action adversary proceeding complaint [violation of Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 and California Labor Code §§ 1400 et seq.]  
fr. 5/28/19, 6/25/19, 7/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. At the status conference, the court will hear from the parties on defendant's request for a 90 day continuance and a stay of proceedings. Appearances are required on 7/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Zacky & Sons Poultry, LLC

Pro Se

**Plaintiff(s):**

Karen Vance

Represented By  
Gail L Chung



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Los Angeles  
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**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Jack A Raisner  
Rene S Roupinian  
Robert N Fisher

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

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1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:19-01140 GemCap Lending I, LLC v. Great Rock Capital Partners Management, LLC

**#11.00** Cont'd status conference re: Adversary complaint for equitable subordination  
fr. 7/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/27/19 to 9/17/19 at 1:30 p.m.  
per stip & order entered on 7/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 9/17/19 at 1:30 p.m. No appearances are required on 8/27/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Great Rock Capital Partners

Pro Se

**Plaintiff(s):**

GemCap Lending I, LLC

Represented By  
Carol Chow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01100 Mitchell et al v. Okland

**#12.00** Cont'd status conference re: Complaint to determine dischargeability of debt and for denial of discharge (11 U.S.C. §§523(a)(2)(A); 523(a)(4); 727(a)((2)(A) & (B) and 727(a)(4)(A))  
fr. 6/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. The court has reviewed the joint status report. Set a discovery cutoff date of 1/31/20, the deadline for filing a joint pretrial statement of 3/3/20 and a pretrial conference on 3/10/20 at 2:00 p.m. Parties to discuss with court why matter should not be referred to mediation. Plaintiffs to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. Appearances are required on 6/10/19 to address why monetary sanctions of \$100 should not be imposed against counsel for plaintiffs for failure to file a status report as required by the order setting initial status conference, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Defendant(s):**

Dean Okland

Pro Se

**Plaintiff(s):**

Courtney Mitchell

Represented By

**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

1:30 PM

**CONT... Dean Henrik Okland**

**Chapter 11**

|                    |                               |
|--------------------|-------------------------------|
|                    | Anja Reinke                   |
| Tracy Canfield     | Represented By<br>Anja Reinke |
| Michael Fleischer  | Represented By<br>Anja Reinke |
| Nadia Fleischer    | Represented By<br>Anja Reinke |
| Susan Boyer        | Represented By<br>Anja Reinke |
| David Boyer        | Represented By<br>Anja Reinke |
| Alyssa Shah        | Represented By<br>Anja Reinke |
| Mark Poireir       | Represented By<br>Anja Reinke |
| Sara Ramo          | Represented By<br>Anja Reinke |
| Louie Schwartzberg | Represented By<br>Anja Reinke |
| Does 1 -10         | Represented By<br>Anja Reinke |

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-17773 Sang Yeh**

**Chapter 7**

**#13.00** Order to show cause why the bankruptcy case should not be dismissed for failure to file proof by declaration under penalty of perjury that Debtor has taken the required credit counseling course

Docket 7

**Tentative Ruling:**

No tentative ruling as of 8/26/19. Appearances are required on 8/27/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Sang Yeh

Pro Se

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-18719 Ramona Adele Annis**

**Chapter 7**

**#14.00** Order to show cause why the bankruptcy case should not be dismissed for failure to file proof that debtor has taken the required credit counseling course

Docket 6

**Tentative Ruling:**

No tentative ruling as of 8/26/19. Appearances are required on 8/27/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ramona Adele Annis

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-18945 Nancy Love**

**Chapter 7**

**#15.00** Order to show cause why the bankruptcy case should not be dismissed for failure to file proof that Debtor has taken the required credit counseling course

Docket 8

**Tentative Ruling:**

No tentative ruling as of 8/26/19. Appearances are required on 8/27/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Nancy Love

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15550 Jose Antonio Salgado**

**Chapter 7**

Adv#: 2:18-01257      TRANSPORT FUNDING, LLC v. Salgado

**#15.10** Status conference: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(B) and 523(a)(4) fr. 2/12/19, 5/23/19, 8/22/19

Docket      1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. Off calendar. Stipulation for judgment and proposed judgment submitted, and judgment is being entered, having been approved by the court. No appearances are required on 8/27/19.

Prior tentative ruling as of 2/11/19. No tentative ruling on the merits. Appearances are required on 2/12/19 to discuss scheduling of further proceedings, including the pretrial conference, but counsel may appear by telephone.

Prior tentative ruling. Set discovery cutoff date of 1/31/19 and a post-discovery status conference on 2/12/19 at 1:30 p.m. A joint status report is due on 2/5/19. Appearances are required on 10/9/18 to discuss scheduling, possible waiver of requirement of a pretrial conference and possible referral of dispute to mediation, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose Antonio Salgado

Represented By  
Juan Castillo-Onofre

**Defendant(s):**

Jose Antonio Salgado

Pro Se

**Joint Debtor(s):**

Telma Aida Salgado

Represented By  
Juan Castillo-Onofre



**United States Bankruptcy Court  
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1:30 PM

**CONT... Jose Antonio Salgado**

**Chapter 7**

**Plaintiff(s):**

TRANSPORT FUNDING, LLC

Represented By  
Jennifer Witherell Crastz  
Casey Z Donoyan

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01158 Carter et al v. Martinez

**#16.00** Cont'd pretrial conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)2)(A) & (6)] fr. 2/5/19, 5/7/19, 6/25/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 8/27/19. The court has reviewed the explanation of counsel for plaintiffs dated 4/17/17, but filed on 8/26/19, requesting a continuance of the pretrial conference for about 45 days pending the outcome of the preliminary hearing in the state court criminal case against defendant. Appearances are required on 8/27/19 to discuss scheduling of further proceedings in light of the pending criminal case against defendant, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/18. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial

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**CONT...**

**Anthony Roy Martinez**

**Chapter 7**

stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/19/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/18/18. No tentative ruling on the merits. Appearances are required on 6/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report filed by defendant. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

**Defendant(s):**

Anthony Roy Martinez Pro Se

**Plaintiff(s):**

Lance Carter Represented By  
Dana M Douglas

Jean Holmes Represented By  
Dana M Douglas

Carriage Estates LLC Represented By  
Dana M Douglas

Adamantine Investments LLC Represented By  
Dana M Douglas

Sterling Holdings LLC Represented By  
Dana M Douglas

Lance Carter IRA 419990 Pro Se

**Trustee(s):**

Wesley H Avery (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-25817 Denise Ann Hatfield**

**Chapter 7**

Adv#: 2:18-01434 Ehrenberg v. Hatfield

- #17.00** Cont'd status conference re: Complaint for: (1) avoidance of transfer under 11 U.S.C. § 548(a)(1)(A); (2) Avoidance of transfer under CCC § 3439.04(a)(1); (3) Avoidance of transfer under 11 U.S.C. § 548(A)(1)(B); (4) Avoidance of transfer under CCC § 3439.04(a)(2); (5) Avoidance of transfer under CCC § 3439.05; (6) Recovery of transferred property or value thereof; (7) Preservation of avoided transfer; and (8) Declaratory relief  
fr. 2/12/19, 5/28/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. The court has reviewed the joint pretrial stipulation and it appears to be in proper form to be approved, though the court notes that no objections have been interposed to any of the listed exhibits. The court thus presumes that there are no objections to the exhibits and all exhibits are to be received into evidence. However, if there are objections to any of the exhibits, the joint pretrial statement will need to be amended. Appearances are required on 8/27/19 to discuss scheduling of trial.

Prior tentative ruling as of 5/24/19. The court has reviewed the joint status report. Set a pretrial conference for 8/13/19 at 2:00 p.m. and a joint pretrial stipulation must be filed by 8/6/19. Appearances are required on 5/28/19 to discuss scheduling and the status of mediation, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19 and a further postdiscovery status conference for 5/28/19 at 1:30 p.m. with a joint status report due on 5/7/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/12/19 and complete mediation by 5/28/19. Appearances are required on 2/12/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

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2:00 PM

**CONT... Denise Ann Hatfield**

**Chapter 7**

**Debtor(s):**

Denise Ann Hatfield

Represented By  
Michael E Clark

**Defendant(s):**

Thomas Carson Hatfield

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:30 PM

**2:13-28497 Corona Care Convalescent Corporation and Dietitians of**

**Chapter 7**

**#18.00** Hearing re: Motion to approve compromise with Premier Rehabilitation Services, Inc

Docket 652

**Tentative Ruling:**

Grant trustee's motion to approve compromise with Premier Rehabilitation Services, Inc., for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 8/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Corona Care Convalescent

Represented By  
M. Jonathan Hayes  
Michael Jay Berger

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell  
Zev Shechtman  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

**#19.00** Cont'd hearing re: Motion for order: (1) authorizing and directing assignment to 7175 WB, LLC of avoidance actions for prosecution of the estate's behalf; (2) extending, or tolling, deadlines for commencing avoidance actions; (3) determining non-applicability of the debtor's "homestead" exemption to the property at 1483 N. Occidental Blvd., Los Angeles, CA; and (4) deferral of abandonment of property pending a determination of "homestead" exemption fr. 8/13/19

Docket 123

**Tentative Ruling:**

Revised tentative ruling as of 8/27/19. Deny motion of 7175 WB, LLC as follows:

- 1) As to request for order authorizing and directing assignment of avoidance actions for prosecution on the estate's behalf, deny without prejudice because the motion itself does not state an adequate legal basis to grant relief. The cited case of *In re P.R.T.C., Inc.*, 177 F.3d 774 (9<sup>th</sup> Cir. 1999) only involved the situation where a trustee voluntarily transferred its avoidance power rights to a creditor and was not a compelled situation. However, 7175 WB in its reply brief first asserts a legal basis for derivative rights as a creditor to bring avoidance actions on behalf of the estate by cites *In re Gibson Group, Inc.*, 66 F.3d 1436, 1446 (9<sup>th</sup> Cir. 1995), which recognized the derivative standing of creditors to assert avoidance actions on behalf of a bankruptcy estate upon certain conditions. The court notes that some courts within the Ninth Circuit have adopted a test similar to the Sixth Circuit in *In re Gibson Group*, as recognized in *In re Consolidated Nevada Corp.*, BAP No. NV 17-1210-FTTi, 2017 WL 6553394 (9<sup>th</sup> Cir. BAP 2017), slip op. at \*7. However, contrary to 7175's contention, the Ninth Circuit did not approve the Gibson Group rule in *In re Permatex, Inc.*, 199 F.3d 1029 (9<sup>th</sup> Cir. 1999) since that case only held that a



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Central District of California  
Los Angeles  
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**CONT...**

**Philip Joseph Jaurigui**

**Chapter 7**

trustee may stipulate to allow creditors to assert its authority to bring avoidance actions. Nevertheless, 7175's substantive arguments first raised in its reply to the oppositions of Debtor and interested party Alexandra Greenberg is not fair notice to them since they have no right to sur-reply and the reply containing new arguments or matters raised for the first time is a violation of Local Bankruptcy Rule 9013-1(g)(4).

- 2) As to request for an order extending or tolling deadlines for commencing avoidance actions, deny without prejudice since it has not been established that 7175 may exercise derivative rights to bring the avoidance actions.
  
- 3) As to request for determining applicability of debtor's homestead exemption to the property at 1483 N. Occidental Blvd., Los Angeles, CA, deny on grounds that exemptions are defined by law applicable on the petition date, *In re Tanzi*, 297 B.R. 607, 612 (9<sup>th</sup> Cir. BAP 2003), and not the conversion date, of a case converted from Chapter 11 to Chapter 7 because exemptions are defined as of the petition date, not conversion date, as case conversion does not affect the petition date. 11 U.S.C. 522(b)(3)(A) and 348(a); *Matter of Sandoval*, 103 F.3d 20, 22 (5<sup>th</sup> Cir. 1997) ("to hold that the conversion date control exemption eligibility would be tantamount to assuming that conversion creates a new filing date, an assumption that the statutory words preclude"), citing, 11 U.S.C. 522(b)(2)(A) (now (b)(3)(A)) and 348(a); see also, March, Ahart and Shapiro, *Rutter Group California Practice Guide: Bankruptcy*, paragraphs 7:130 and 7:161 (online ed., December 2018 update); but see, *In re Winchester*, 46 B.R. 492, 495 (9<sup>th</sup> Cir. BAP 1984) (involving case conversion from Chapter 13 to Chapter 7), superseded by statute on other grounds, 11 U.S.C. 348(f)(1)(A), as recognized in *In re Earl*, 705 Fed. Appx. 584, 586 n. 5 (9<sup>th</sup> Cir. 2017).

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**CONT...**

**Philip Joseph Jaurigui**

**Chapter 7**

The majority opinion in Winchester relying upon the inclusion of after-acquired property in a Chapter 13 case as property of the estate as its rationale to make the case conversion date as the operative date for determining exemption is contrary to the statutory language of 11 U.S.C. 348 as the succeeding Chapter 7 case is deemed to have been filed when the original Chapter 13 petition was filed as pointed out by Judge Elliott's concurring opinion in Winchester.

- 4) As to the request to defer the abandonment of property pending a determination of the value Chapter 7 estate's interest in the Occidental property, deny without prejudice because there is no abandonment of such asset by the trustee since the filing of a no distribution report is not an abandonment. In re Reed, 940 F.2d 1317, 1321 (9<sup>th</sup> Cir. 1991). There is no technical abandonment of estate assets to the debtor under 11 U.S.C. 521(a)(1) when a trustee filed a no distribution report until the bankruptcy case is closed unless the court orders otherwise. There is no cause to order otherwise as requested by 7175 since it has not established its derivative rights to assert the avoidance actions.

Appearances are required on 8/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#20.00** Hearing re: Plaintiff's motion for order dismissing claims for relief under 11 U.S.C. §727 and entry of judgment for plaintiffs on claims for relief under 11 U.S.C. §523(a)(4) and § 523(a)(6)

Docket 41

**Tentative Ruling:**

Grant plaintiffs' motion for order dismissing claims for relief under 11 U.S.C. 727 and entry of judgment for plaintiffs on claims for relief under 11 U.S.C. 523(a)(4) and 523(a)(6) for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By

**United States Bankruptcy Court  
Central District of California  
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2:30 PM

**CONT... Alan Eugene Salke**

**Chapter 7**

J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-15989 Briena Sheree Casares**

**Chapter 7**

**#21.00** Hearing re: Motion objecting to debtor's claimed homestead exemption

Docket 27

**Tentative Ruling:**

Grant trustee's motion objecting to debtor's claimed homestead exemption for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Briena Sheree Casares

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Toan B Chung

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, August 27, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-16438 Andre Luther Ribeiro and Madeline Ann Ribeiro**

**Chapter 7**

**#22.00** Hearing re: Motion for redemption of 2019 Kia Soul Under 11 U.S.C. 722

Docket 13

**\*\*\* VACATED \*\*\* REASON: Resolved by stip & order entered on 8/22/19  
-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Andre Luther Ribeiro

Represented By  
Michael E Clark

**Joint Debtor(s):**

Madeline Ann Ribeiro

Represented By  
Michael E Clark

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/1/19, 7/3/19, 7/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/28/19 to 10/2/19 at 11:00 a.m.  
per stip & order entered on 8/26/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. Off calendar. Continued by stipulation and order to 10/2/19 at 11:00 a.m. No appearances are required on 8/28/19.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/2/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 7/3/19.

Prior tentative ruling as of 4/30/19. Appearances are required to discuss scheduling of further proceedings, including Phase 2 of the trial. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT...**

**Dale Alfred Williams**

William N. Lobel  
Rika Kido  
Leonard M Shulman

**Chapter 11**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-17906 Stassen Conrad Goins**

**Chapter 11**

**#2.00** Hearing re: U.S. Trustee's motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 289

**Tentative Ruling:**

No tentative ruling as of 8/26/18. Appearances are required on 8/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Stassen Conrad Goins

Represented By  
Brad Weil

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/10/19, 4/17/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 5/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. The court has reviewed creditor Emma Borges's unilateral status report on mediation. No tentative ruling on the merits. Appearances are required on 5/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtor's status report and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. The court has reviewed debtor's status report suggesting a continued status conference in about 60 days. No

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

tentative ruling on the merits. Appearances are required on 3/7/18 to hear from other parties on status, including compliance with United States Trustee requirements, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/24/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.10** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 6/11/19, 7/17/19, 8/21/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits.  
Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. the court has reviewed the unilateral status report filed by creditor Emma Borges. No tentative ruling on the merits.  
Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits.  
Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits.  
Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits.  
Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.20** Cont'd hearing re: Unsecured creditor, Emma Borges' motion for order re compel debtor to comply with the terms of the all-day mediation overseen by Bankruptcy Judge Thomas Donovan  
fr. 8/21/19

Docket 270

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.30** Cont'd hearing re: Motion for order approving second amended disclosure statement describing debtor's second amended chapter 11 plan fr. 6/11/19, 7/17/19, 8/21/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. The court is inclined to allow the parties to participate in mediation before the settlement judge before ruling on the amended disclosure statement. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#5.00** Hearing re: Motion for order authorizing post-petition financing pursuant to section 364 of the bankruptcy code with adequate protection and replacement collateral pursuant to section 361 of the bankruptcy code

Docket 77

**Tentative Ruling:**

The court is inclined to approve the motion because the postpetition financing is within the reasonable business judgment of the debtor-in-possession for the reasons stated in the moving papers and overrule the objection of creditors Greta Curtis and Ammec, Inc., because there will be a reserve to adequately protect the alleged mechanic's lien claimed by these creditors. The court is not inclined to grant relief sought by debtor in its relief to determine that Ammec does not have an interest in the alleged mechanic's lien. Appearances are required on 8/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 5/29/19, 7/31/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/18/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/16/18. No tentative ruling on the merits.  
Appearances are required on 7/18/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.

Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

People Who Care Youth Center, Inc.          Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#7.00** Hearing re: Motion to allow creditor Richard L. Jones Customhouse Brokers, Inc. to change vote on debtor's chapter 11 plan

Docket 93

**Tentative Ruling:**

No tentative ruling as of 8/26/19. Appearances are required on 8/28/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#8.00** Cont'd status conference re: Confirmation of plan  
fr. 4/17/19, 5/1/19, 7/31/19

Docket 72

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. Deny confirmation of plan because contrary to debtor's assertion that impaired Class 3 claims (general unsecured claims) voted to "accept" the plan, such assertion is not true because while the numerosity test was met for Class 3 claims in that 83.3% of the number of claims voted to accept the plan which met the more than one-half in number requirement of 11 U.S.C. 1126(c), the dollar amount test was not met in that there was only 57.82% of the dollar amount of Class 3 claims voted to accept the plan while more than two-thirds (66.7%) of the dollar amount is required to accept the plan under 11 U.S.C. 1126(c), thus, there is no impaired class of claims accepting the plan here to allow confirmation under 11 U.S.C. 1129(a)(10). Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. Appearances are required on 5/1/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. The court has concerns regarding the adequacy of the information in the disclosure statement regarding bargain sales of debtor's accounts receivable and vehicle to its insider. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. Appearances are required on 4/10/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... The 17/21 Group, LLC**

**Chapter 11**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 5/1/19, 7/31/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/3/18, 1/30/19, 5/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. Although the status conference is moot because the case has been dismissed, debtor has noticed a motion for reconsideration of the dismissal with the 180 day bar for 9/4/19 at 11:00 a.m. The court on its own motion continues the status conference to that date and time. No appearances are required on 8/28/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. Appearances are required on 5/1/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#11.00** Hearing re: Motion of Roslyn Soudry Katz and Naomi Jacobs to quash subpoena served upon Mufg Union Bank, N.A. or, in the alternative, to modify subpoena (FRBankr. P9016; FRCP 45(d)(3)(A) and 45 (d)(3)(B)

Docket 180

**\*\*\* VACATED \*\*\* REASON: Cont'd from 8/28/19 to 10/10/19 at 11:00 a.m. per stip & order entered on 8/13/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/10/19 at 11:00 a.m.  
No appearances are required on 8/28/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#11.10** Order to show cause why debtor's attorney Joon M. Khang and debtor JC Fits, Inc. should not be sanctioned for failure to appear at the August 14, 2019 status conference

Docket 134

**Tentative Ruling:**

No tentative ruling as of 8/26/19. The court has reviewed the counsel declaration in response to the OSC. Counsel need only appear. Appearances are required on 8/28/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#11.20** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 5/29/19, 8/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits.  
Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits.  
Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits.  
Appearances are required on 11/14/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits.  
Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits.  
Appearances are required on 5/30/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits.  
Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... JC Fits, Inc.**

**Chapter 11**

a claims bar date of 1/24/18 with notice being served by 11/8/17 and a disclosure statement filing deadline of 2/28/18. These dates are satisfactory, and debtor should submit a proposed scheduling order. Appearances are required on 11/1/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#11.30** Hearing re: Motion in individual chapter 11 case for order authorizing use of cash collateral [11 U.S.C. §363]

Docket 160

**Tentative Ruling:**

No tentative ruling will issued for the motion heard on shortened notice.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:30 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#12.00** Cont'd hearing re: Application for payment of final fees and/or expenses for Law Offices of David A. Tilem (11 USC §330) general counsel, Period: 2/24/2019 to 4/22/2019, Fee: \$8570.00, Expenses: \$46.79.  
fr. 5/28/19

Docket 138

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. Appearances are required on 8/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court on its own motion continues the hearing to 8/28/19 at 11:30 a.m. pending receipt of Excel files relating to the billing entries on the fee application as supplemented and objections thereto. No appearances are required on 5/28/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:30 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#13.00** Cont'd status conference re: Post confirmation of plan  
fr. 11/28/18, 3/27/19, 6/26/19

Docket 62

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. Appearances are required on 8/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling. The disclosure statement does not contain adequate information. Regarding treatment of secured claims, the text in the plan refers to Article II, but no Article II is attached. Exhibit C to the plan refers to certain notes for each claim, but these notes do not adequately spell out the treatment of the primary secured claim to Wells Fargo Bank, the senior secured lender for the loan on debtor's residence. The disclosure statement should have a more detailed description of how this claim will be treated under the plan. The plan itself is not much better. It is hard to tell what is being proposed for treatment of the claim. The disclosure statement and plan



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

11:30 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

will have to be revised for sake of clarity. If this is a cramdown situation, it does not appear that a 40 year payout is fair and equitable for this creditor, and debtor should probably consider taking out this creditor when the loan matures under the existing terms. Appearances are required on 3/21/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Peter G. Kudrave

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#14.00** Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note fr. 1/15/19

Docket 399

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Rita Gail Farris-Ellison**

Christian T Kim

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#15.00** Cont'd hearing re: Motion of plaintiff/creditor James Lee Clark for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris fr. 8/8/18, 11/30/18, 2/21/19

Docket 351

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Rita Gail Farris-Ellison**

Christian T Kim

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#16.00** Hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris

Docket 377

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation  
and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#17.00** Hearing re: Plaintiff/creditor, James Lee /Clark's notice of motion to compel inspection and to produce documents and response from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation  
and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Rita Gail Farris-Ellison**

Christian T Kim

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#18.00** Cont'd hearing re: Plaintiff/creditor James Lee Clark's motion for an order for sanctions including terminating sanctions against defendant/debtor Rita Ellison-Farris fr. 10/3/18, 11/30/18, 2/21/19

Docket 362

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#19.00** Cont'd hearing re: Motion to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions fr. 12/18/18

Docket 397

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Rita Gail Farris-Ellison**

Christian T Kim

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#20.00** Cont'd hearing re: Motion to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions fr. 2/21/19

Docket 412

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Rita Gail Farris-Ellison**

Christian T Kim

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#21.00** Hearing re: Motion to abstain

Docket 414

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation  
and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

**#22.00** Cont'd status conference re: Complaint: 1) objecting to discharge  
2) breach of contract 3) breach of implied covenant of good faith  
and fair dealing 4) conversion 5) negligence 6) breach of fiduciary duty  
7) constructive fraud 8) fraudulent concealment 9) wrongful foreclosure  
10) interference with prospective economic advantage  
fr. 8/8/18, 11/30/18, 2/21/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation  
and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

**Party Information**

**Attorney(s):**

Deborah Bronner

Represented By  
Deborah R Bronner

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

Just that EZ Financial

Pro Se

Lenders Escrow Inc

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

Does 1 Through 100 Inclusive

Pro Se

**Mediator(s):**

David A. Gill

Pro Se

**Plaintiff(s):**

James Lee Clark

Represented By  
Justin D Graham

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

Sam S Leslie (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

Adv#: 2:14-01088 Clark v. Farris-Ellison

**#23.00** Cont'd status conference re: Creditor, James Lee Clark's complaint to determine nondischargeability of debtors/defendant's debt [Pursuant to 11 U.S.C. §523(a)(2); 11 U.S.C. §523(a)(6)] fr. 11/30/18, 2/21/19, 4/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19.

Revised tentative ruling as of 4/29/19. Off calendar. Continued by stipulation and order to 8/28/19 at 1:30 p.m. No appearances are required on 4/30/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Defendant(s):**

Rita Gail Farris-Ellison

Pro Se

**Plaintiff(s):**

James Lee Clark

Pro Se

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Rita Gail Farris-Ellison**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, August 28, 2019**

**Hearing Room 1675**

1:30 PM

**2:11-33861 Rita Gail Farris-Ellison**

**Chapter 7**

**#24.00** Cont'd hearing re: Motion for relief from stay  
(James Clark VS Debtor)  
fr. 8/20/19

Docket 98

**Tentative Ruling:**

No updated tentative ruling as of 8/26/19. Appearances are required on 8/28/19.

Prior tentative ruling. Deny without prejudice because there is no proof of service of moving papers on debtor. Appearances are required on 8/20/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Rita Gail Farris-Ellison

Represented By  
James Bryant

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#1.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)  
fr. 8/20/19

**Property re: 22704 Maple Ave., Torrance, CA 90505**

Docket 25

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling will be issued for the evidentiary hearing on the motion. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#2.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(Involuntary/Putative Debtor Reyna Maria Taylor)  
fr. 8/20/19

**Property: re: 22634 Maple Ave., Torrance, CA 90505**

Docket 24

**Tentative Ruling:**

Updated tentative ruling as of 8/26/19. No tentative ruling will be issued for the evidentiary hearing on the motion. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#3.00** Cont'd hearing re: Motion for order: (A) dismissing involuntary petition against Reyna Taylor Under FRCP 12(b)(1) and 12(b)(6), or for abstention under 11 U.S.C. 305(a); and (b) for monetary and other sanctions under 11 U.S.C. 303(i), (k) fr. 8/20/19

Docket 6

**Tentative Ruling:**

No updated tentative ruling as of 8/26/19. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, August 29, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#4.00** Cont'd status conference re: Involuntary petition  
fr. 8/20/19

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 8/26/19. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, August 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#1.00** Hearing re: Emergency motion for authority to pay post-petition administrative claim of  
Cindy Magleby

Docket 736

**Tentative Ruling:**

No tentative ruling on the application heard on shortened notice.  
Appearances are required on 8/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17768 Damien Damon Bell**

**Chapter 7**

**#1.10** Cont'd hearing re: Motion for relief from stay  
(160 S. Gramercy LLC VS Debtor)  
fr. 8/27/19

Docket 11

**Tentative Ruling:**

Updated tentative ruling as of 8/30/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. The moving papers are deficient because movant has not served a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d). Continue hearing until movant complies with this rule. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Damien Damon Bell

Represented By  
Nicholas M Wajda

**Trustee(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Damien Damon Bell**  
Brad D Krasnoff (TR)

Pro Se

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#1.00** Status conference re: Chapter 7 trustee's motion for order disallowing proofs of claims (Claim No. 5-1) fr. 4/30/19

Docket 51

**Tentative Ruling:**

Updated tentative ruling as of 8/30/19. Set the remaining contested matter(s) for a pretrial conference since discovery is now closed. Appearances are required on 9/3/19, but counsel may appear by telephone.

Prior tentative ruling. Treat trustee's motion objecting to Claim 4-1 of American Express National Bank, as resolved since trustee has withdrawn his motion objecting to that claim. .

Treat trustee's motions objecting to Claim 2-1 of Amanollah Nayson and Claim 5-1 of Shaun Toub as contested matters under FRBP 9014 and schedule pretrial proceedings, including discovery and pretrial conference. Parties should meet and confer regarding pretrial schedule. While the court is inclined to sustain trustee's objections to the declaration of Shaun Toub, the court will allow the declarant to amend his declaration to lay a foundation of personal knowledge.

Grant trustee's motions objecting to Claim 8-1 of 515 South Figueroa Street and Claim 10-1 of LVNV Funding, LLC, etc., for the reasons stated in the moving papers and for lack of timely written opposition.

Appearances are required on 4/30/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Sion Javaheri**

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 3, 2019

Hearing Room 1675

1:30 PM

**2:19-13487 Georgie Charlie Chong Putera**

**Chapter 7**

Adv#: 2:19-01198 Wheel Group Holdings, LLC v. Chong Putera

**#2.00** Status conference re: Complaint to determine dischargeability of debtor  
[11 U.S.C. §523(a)(6)]

Docket 1

**Tentative Ruling:**

No tentative ruling as of 8/30/19. Appearances are required on 9/3/19, but counsel may appear by telephone.

The court notes some proofreading deficiencies in the caption of the joint status report: (1) there is a fictitious bar number for Attorney Horowitz since California bar numbers are not yet in the 900,000s; (2) the name of plaintiff's law firm is spelled wrong. On page 2, item B.2, plaintiff refers to taking third party discovery by "spuboena." On page 3, item E.1, there is a reference to informal settlement discussions before and after the "Bankruptcy cse" was filed. Pleadings filed with the court should be proofread carefully before submission. While these deficiencies are not material, they indicate a lack of care in preparing court documents and do not reflect well on the drafter.

**Party Information**

**Debtor(s):**

Georgie Charlie Chong Putera

Represented By  
Eliza Ghanooni

**Defendant(s):**

Georgie Charlie Chong Putera

Pro Se

**Plaintiff(s):**

Wheel Group Holdings, LLC

Represented By  
Leslie R Horowitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15989 Briena Sheree Casares**

**Chapter 7**

Adv#: 2:19-01202 Avery v. Casares

**#3.00** Order to show cause re: remand of removed action to State Court

Docket 8

**Tentative Ruling:**

Overrule trustee's objection to equitable remand of the removed action and remand to state court pursuant to 28 U.S.C. 1452(b) because the removed action is the probate proceeding itself of debtor's father in which debtor is a beneficiary and the court lacks jurisdiction due to the probate exception to federal jurisdiction because proceeding with the removed action would involve this federal court in administering the decedent's estate and assume in rem jurisdiction over property in the custody of the probate court, which actions are within the narrow confines of the probate exception. *Marshall v. Marshall*, 547 U.S. 293, 311-312 (2006); *In re Garcia*, 507 B.R. 32,44 (1st Cir. BAP 2014). Trustee's reliance on *In re Tucson Estates, Inc.*, 912 F.2d 1162 (9th Cir. 1990) is misplaced because that case did not involve the probate exception to federal jurisdiction. While Debtor may have an interest in the probate res as a beneficiary of the probate estate, which would be property of her bankruptcy estate, she does not have a right to probate res until the probate estate is administered and a distribution by the probate court is made to her through administration of the probate case. This has not been apparently been done as shown by the papers filed in the state court action now removed by the court which have been filed in this case by the trustee. Trustee erred in removing the probate action to this court because the probate estate has not been administered, and this court lacks jurisdiction to administer the probate case under the narrow confines of the probate exception. Appearances are required on 9/3/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Briena Sheree Casares

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Briena Sheree Casares**

**Chapter 7**

**Defendant(s):**

Briena Sheree Casares

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Toan B Chung

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Toan B Chung



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-14974 Cheryl Lynne Hipperson**

**Chapter 7**

**#4.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Elissa D. Miller, Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/3/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Cheryl Lynne Hipperson

Represented By  
Nicholas Nicholas Wajda

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Meghann A Triplett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-14974 Cheryl Lynne Hipperson**

**Chapter 7**

**#5.00** Hearing re: Application for fees and expenses  
[Margulies Faith LLP, Attorney for Chapter 7 Trustee]

Docket 49

**Tentative Ruling:**

Approve final fee application of general bankruptcy attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/3/19, but applicant and counsel may appear by telephone. Applicants or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Cheryl Lynne Hipperson

Represented By  
Nicholas Nicholas Wajda

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Meghann A Triplett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-14974 Cheryl Lynne Hipperson**

**Chapter 7**

**#6.00** Hearing re: Application for fees and expenses  
[Hahn Fife & Company LLP, Accountant for Chapter 7 Trustee]

Docket 47

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/3/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Cheryl Lynne Hipperson

Represented By  
Nicholas Nicholas Wajda

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Meghann A Triplett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-15579 Carlos Joel Armienta and Tania Gisela Armienta**

**Chapter 7**

**#7.00** Hearing re: Motion for contempt against Nissan Motor Acceptance Corporation for their intentional violation of: 1. the bankruptcy discharge injunction

Docket 18

**\*\*\* VACATED \*\*\* REASON: Denied without prejudice per order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary and dispensed with it, took the motion under submission, vacated the hearing and issued an order disposing of the motion. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Carlos Joel Armienta

Represented By  
Steven A Alpert  
L. Tegan Rodkey

**Joint Debtor(s):**

Tania Gisela Armienta

Represented By  
Steven A Alpert  
L. Tegan Rodkey

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

**#8.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Elissa D. Miller, Chapter 7 Trustee]

Docket 56

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/3/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman  
Levene Neale Bender Rankin & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-18245 Mary Kodjoglian**

**Chapter 7**

**#9.00** Hearing re: Application for fees and expenses  
[Levene, Neale, Bender, Yoo & Brill L.L.P., Attorney for Chapter 7 Trustee]

Docket 54

**Tentative Ruling:**

Approve final fee application of general bankruptcy attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/3/19, but applicant and counsel may appear by telephone. Applicants or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Kodjoglian

Represented By  
Sean Keshishyan

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Edward M Wolkowitz  
Anthony A Friedman  
Levene Neale Bender Rankin & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13487 Georgie Charlie Chong Putera**

**Chapter 7**

Adv#: 2:19-01198 Wheel Group Holdings, LLC v. Chong Putera

**#10.00** Hearing re: Motion of defendant Georgie Charlie Chong Putera to dismiss complaint pursuant to F.R.C.P. 12(b)(6)

Docket 9

**Tentative Ruling:**

The hearing on defendant's motion to dismiss will be advanced to the time of the status conference at 1:30 p.m. Counsel should appear for both matters on the 1:30 p.m. calendar.

Grant defendant's motion to dismiss for failure to state a claim upon which relief can be granted pursuant to FRCP 12(b)(6) because the allegations of the complaint do not state a plausible claim for relief under 11 U.S.C. 523(a)(6) absent the conclusory allegations that defendant's conduct was willful and malicious, which are legal rather than factual conclusions which may be disregarded. *Ashcroft v. Iqbal*, 556 U.S. 662, 681 (2009). The court agrees with defendant that in order to sustain a claim under 11 U.S.C. 523(a)(6), plaintiff must allege an intentional tort debt. *Lockerby v. Sierra*, 535 F.3d 1038, 1041 (9th Cir. 2008). Plaintiff in its complaint alleging mere nonpayment of a debt may be a claim of an intentional breach of contract debt, but it is not an intentional tort debt. *In re Jercich*, 238 F.3d 1202, 1205 (9th Cir. 2001).

In paragraphs 22 and 26 of the complaint, where plaintiff alleges that defendant "induced" it into entering various agreements and that defendant made "representations" upon which it "justifiably relied", does this mean that it is alleging some kind of fraudulent misrepresentation which would be a claim under 11 U.S.C. 523(a)(2)(A)? However, plaintiff does not allege specific facts regarding such alleged representations to constitute a plausible claim.

Grant leave to amend because the court must give at least one change to amend absent clear showing that amendment would be futile. *National Council of La Raza v. Chagavskis*, 800 F.3d 1032, 1041 (9th Cir. 2015) in light of the policy of FRCP 15(a) to freely grant leave to amend if justice so

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 3, 2019

Hearing Room 1675

2:30 PM

CONT... **Georgie Charlie Chong Putera** **Chapter 7**  
requires. Contrary to defendant's contention, the court is not convinced that  
amendment is futile.

**Party Information**

**Debtor(s):**

Georgie Charlie Chong Putera

Represented By  
Eliza Ghanooni

**Defendant(s):**

Georgie Charlie Chong Putera

Represented By  
Matthew D Resnik  
M. Jonathan Hayes

**Plaintiff(s):**

Wheel Group Holdings, LLC

Represented By  
Leslie R Horowitz  
Stephen E Hyam

**Trustee(s):**

Sam S Leslie (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 3, 2019

Hearing Room 1675

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#11.00** Cont'd hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Diane C. Weil, Chapter 7 Trustee]  
fr. 7/30/19, 8/20/19

Docket 185

**Tentative Ruling:**

Updated tentative ruling as of 8/30/19. Approve final report and fee application of trustee for reasons stated in the final report and as amended by the amended pro-ration of administrative expenses and notice thereon filed on 8/29/19 and for lack of timely written objection. Appearances are optional on 9/3/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Prior tentative ruling as of 8/19/19. Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 8/20/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Prior tentative ruling. The court has reviewed the trustee's final report and fee application, and the court is inclined to approve the final report and fee application for the reasons stated therein and for lack of timely written objection. However, because general bankruptcy counsel for trustee has not provided a judge's copy of its fee application as required by LBR 5005-2(d), the court will continue the hearing for submission of the judge's copy of that fee application. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... MEHRDAD TAHERIPOUR**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-30028 MEHRDAD TAHERIPOUR**

**Chapter 7**

**#12.00** Cont'd hearing re: Application for fees and expenses  
[Danning, Gill, Diamond & Kollitz, LLP, Attorney for Chapter 7 Trustee]  
fr. 7/30/19, 8/20/19

Docket 183

**Tentative Ruling:**

Updated tentative ruling as of 8/30/19. Approve final fee application of former general bankruptcy counsel for the trustee for reasons stated in the fee application as amended by the amended pro-ration of administrative expenses and notice thereon filed on 8/29/19 and for lack of timely written objection. Appearances are optional on 9/3/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Revised tentative ruling as of 8/19/19. The court has reviewed the final fee application of former general counsel for trustee, and the court is inclined to approve the final fee application for the reasons stated therein and for lack of timely written objection. However, regarding the fact that the signature of the successor trustee on the declaration of non-objection to the application which was to follow was not filed as required by LBR 2016-1(a)(1)(J) and (c), applicant has filed the declaration of Eric Israel regarding the status of applicant's efforts to obtain the successor trustee's signature on the declaration in support of the fee application. No tentative ruling on the merits. Appearances are required on 8/20/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. Applicant has not provided a judge's copy of the fee application as required by LBR 5005-2(d), and the court will continue the hearing for submission of the judge's copy. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 3, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... MEHRDAD TAHERIPOUR**

**Chapter 7**

**Debtor(s):**

MEHRDAD TAHERIPOUR

Represented By  
Alan F Broidy

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#0.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/30/19, 5/1/19, 8/28/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/3/19. No tentative ruling on the merits.  
Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. Although the status conference is moot  
because the case has been dismissed, debtor has noticed a motion for  
reconsideration of the dismissal with the 180 day bar for 9/4/19 at 11:00 a.m.  
The court on its own motion continues the status conference to that date and  
time. No appearances are required on 8/28/19.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits.  
Appearances are required on 5/1/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#1.00** Cont'd hearing re: Disclosure statement  
fr 3/27/19, 5/15/19, 7/17/19

Docket 77

**Tentative Ruling:**

Updated tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT...**     **Nina Mosby**  
Nina Mosby

Represented By  
Julie J Villalobos

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/27/19, 5/15/19, 7/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Nina Mosby**

**Chapter 11**

Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

**#3.00** Hearing re: Motion to vacate/alter "Order Granting Creditor Joe Klein's Motion To Dismiss Bankruptcy Case And Dismissing Case With 180-Day Bar To Debtor Filing A New Bankruptcy Case" and concurrently issued "Memorandum Decision On Motion Of Creditor Joe Klein To Dismiss Bankruptcy Case"

Docket 219

**Tentative Ruling:**

Deny debtor's motion to vacate or alter final order dismissing case for the reasons stated in the opposition of creditor Joe Klein. Federal Rule of Bankruptcy Procedure 9023 makes applicable Federal Rule of Civil Procedure 59 in cases under the Bankruptcy Code, 11 U.S.C. The grounds for motions to alter or amend judgment under Federal Rule of Civil Procedure 59(e) are shown if movant demonstrates one of the following: (1) there is newly discovered evidence that could not have been discovered previously; (2) the court committed clear error or its initial decision is manifestly unjust; or (3) there is an intervening change in the controlling law. 3 Jones, Rosen, Wegner and Jones, Rutter Group Practice Guide: Federal Civil Trials and Evidence, ¶ 20-300 at 20-59 (2018) (citing, inter alia, Allstate Insurance Co. v. Herron., 634 F.3d 1101, 1111 (9th Cir. 2011)) (citation omitted). As the Ninth Circuit stated in Allstate Insurance Co. v. Herron, "amending a judgment after its entry remains 'an extraordinary remedy which should be used sparingly.'" 634 F.3d at 1111. The moving papers fail to demonstrate any of these grounds. In particular, the moving papers do not show clear error by the court in its findings of fact, nor do they show error in its conclusions of law. Debtor made material omissions of income on his bankruptcy schedules and documents including his monthly operating reports which indicate that the petition and case were filed in bad faith. The moving papers do not articulate a proper basis for relief under Federal Rule of Bankruptcy Procedure 9024 and Federal Rule of Civil Procedure 60. Debtor's remedy if he feels that the court's judgment was erroneous is to take an appeal. Appearances are

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Ben B. Safyari**  
required on 9/4/19, but counsel may appear by telephone.

**Chapter 11**

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

2:00 PM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for order approving disclosure statement describing first amended chapter 11 plan proposed by debtors  
fr. 4/17/19, 7/3/19, 7/30/19

Docket 144

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/4/19 to 10/10/19 at 11:00 a.m.  
per order entered on 8/21/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/3/19. Off calendar. Continued by stipulation and order to 10/10/19 at 11:00 a.m. No appearances are required on 9/4/19.

Prior tentative ruling as of 7/1/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 4, 2019**

**Hearing Room 1675**

2:00 PM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 7/3/19, 7/30/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/4/19 to 10/10/19 at 11:00 a.m.  
per order entered on 8/21/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/3/19. Off calendar. Continued by stipulation and order to 10/10/19 at 11:00 a.m. No appearances are required on 9/4/19.

Prior tentative ruling as of 7/2/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:18-21465 Orlando Anthony Del Rio**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Quicken Loans Inc. VS Debtor)

Docket 19

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny relief from stay pursuant to 11 U.S.C. 362(d)(2) because movant's computations in the moving papers demonstrate that debtor has equity in the property. The court disagrees that there is no equity in the property due to debtor's exemption claim since the statute refers to equity, not just nonexempt equity. Movant may brief this issue, and the court will grant a continuance for such briefing if movant requests an opportunity for further briefing.

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Orlando Anthony Del Rio

Represented By  
Barry E Borowitz

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Orlando Anthony Del Rio**

**Chapter 7**

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#2.00** Hearing re: Motion for relief from stay  
(Rehabbers Financial, Inc. dba Aztec Financial VS Debtor)

Docket 161

**Tentative Ruling:**

The court was inclined to allow a short continuance of the hearing to allow debtor to obtain a valuation opinion in response to the valuation opinion submitted on behalf of movant. Debtor to provide a reasonable estimate when the appraisal can be obtained, so that the court can set an evidentiary hearing on valuation and cause for stay relief, including lack of adequate protection. Appearances are required on 9/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12348 Keith Williams**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society FSB dba Christiana Trust VS Debtor)

Docket 25

**Tentative Ruling:**

The moving papers are deficient because movant did not attach the debtor's schedules showing the value of the property rather a copy of a Home Affordable Modification Agreement was attached. Thus, movant has not met its burden to show the lack of equity under 11 U.S.C. 362(g)(1) to establish its claim under either 11 U.S.C. 362(d)(1) or (2). Appearances are required on 9/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Keith Williams

Represented By  
Khachik Akhkashian

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18878 Jose Luis Alvarez Gomez and Yessenia Alvarez**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. dba Chrysler Capital VS Debtors)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Jose Luis Alvarez Gomez

Represented By  
D Justin Harelik

**Joint Debtor(s):**

Yessenia Alvarez

Represented By  
D Justin Harelik

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Jose Luis Alvarez Gomez and Yessenia Alvarez**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19117 Dao Hong Ly**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(TD Auto Finance LLC VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Dao Hong Ly

Represented By  
Lionel E Giron

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

Adv#: 2:19-01208 Philadelphia Indemnity Insurance Company v. Advance Specialty Care, LLC

**#6.00** Status conference re: Adversary complaint for declaratory relief

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 10/16/19 at 11:00  
a.m. per stip & order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/16/19 at 11:00 a.m.  
No appearances are required on 9/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**Defendant(s):**

Advance Specialty Care, LLC

Pro Se

**Plaintiff(s):**

Philadelphia Indemnity Insurance

Represented By  
Lane K Bogard  
Lisa Darling-Alderton

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

**#7.00** Cont'd hearing re: Motion to avoid lien under 11 U.S.C. §522(f) (real property) with Geoffrey Thomas  
fr. 7/16/19, 8/20/19

Docket 37

**Tentative Ruling:**

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits. Appearances are required on 9/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Both parties failed to provide separate tabs for exhibits attached to judge's copies of their papers as required by LBR 5005-2(d). Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-19124 KSG Investments, LLC**

**Chapter 7**

**#8.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

No tentative ruling as of 9/9/19. Appearances are required on 9/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

KSG Investments, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 10, 2019

Hearing Room 1675

2:00 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#9.00** Cont'd hearing re: Motion of defendants to compel plaintiff vexatious litigant to post security, and to restrict plaintiff's future filings, pursuant to C.C.P. Section 391 fr. 8/13/19

Docket 6

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 11/5/19 at 2:00 p.m.  
per order entered on 9/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/10/19. This matter is continued to 11/5/19 at 2:00 p.m. pursuant to the court's order entered on 9/6/19. No appearance is required 9/10/19.

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits. The matter is still staying pending a ruling by Judge Brand on Plaintiff's motion to recuse the assigned judge. Appearances are required on 9/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Off calendar. The court on its own motion has issued an order continuing the hearing on the motion to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... C & M Russell, LLC**  
SulmeyerKupetz, APC

Represented By  
David J Richardson

**Chapter 11**

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 10, 2019

Hearing Room 1675

2:00 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#10.00** Cont'd status conference re: Removal of action to United States Bankruptcy Court Pursuant to 28 U.S.C. §1452(a) fr. 8/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 11/5/19 at 2:00 p.m. per order entered on 9/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/10/19. This matter is continued to 11/5/19 at 2:00 p.m. pursuant to the court's order entered on 9/6/19. No appearance is required 9/10/19.

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits. The matter is still staying pending a ruling by Judge Brand on Plaintiff's motion to recuse the assigned judge. Appearances are required on 9/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Off calendar. The court on its own motion has issued an order continuing the status conference in this adversary proceeding to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... C & M Russell, LLC**  
SulmeyerKupetz, APC

Represented By  
David J Richardson

**Chapter 11**

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

**#11.00** Hearing re: Objection to proof of claim no. 15 filed by Madeeha Kibriya aka "Linda Kebrea"

Docket 181

**Tentative Ruling:**

Grant trustee's motion objecting to proof of claim of claimant Madeeha Kibriya, aka Linda Kebrea, on grounds that the claim is not entitled to priority claim status for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 9/10/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#12.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 46

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 10/15/19 at 2:30 p.m.  
per stip & order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/15/19 at 2:30 p.m. No appearances are required on 9/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#13.00** Hearing re: Application for fees and expenses  
[SulmeyerKupetz, Attorney for Chapter 7 Trustee]

Docket 44

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 10/15/19 at 2:30 p.m.  
per stip & order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/15/19 at 2:30 p.m. No appearances are required on 9/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#14.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 41

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 10/15/19 at 2:30 p.m.  
per stip & order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/15/19 at 2:30 p.m. No appearances are required on 9/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-20380 Dean-Paul Aguirre and Paloma Aguirre**

**Chapter 7**

**#15.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 30

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/10/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Dean-Paul Aguirre

Represented By  
D Justin Harelik

**Joint Debtor(s):**

Paloma Aguirre

Represented By  
D Justin Harelik

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion of GemCap Lending I, LLC to alter or amend the sale order pursuant to Bankruptcy Rule 9023, or in the alternative, for relief from the sale order pursuant to Bankruptcy Rule 9024  
fr. 8/20/19

Docket 323

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/10/19 to 10/2/19 at 11:30 a.m.  
per stip & order entered on 8/28/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/2/19 at 11:30 a.m. No appearances are required on 9/10/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10044 Isela Cruz**

**Chapter 7**

**#17.00** Hearing re: Motion to convert from chapter 7 to chapter 13

Docket 14

**Tentative Ruling:**

Deny debtor's motion to convert case from Chapter 7 to Chapter 13 because debtor has already received her Chapter 7 discharge, and thus, having obtained the benefits of Chapter 7 by receiving her discharge, is seeking to avoid the burdens that went with that discharge by preventing the Chapter 7 trustee from fully administering the Chapter 7 bankruptcy estate. In re Santos, 561 B.R. 825 (Bankr. C.D. Cal. 2017); see also, In re Estrada, 568 B.R. 533 (Bankr. C.D. Cal. 2017); but see, In re Carvalho, 2018 WL 4737215 (Bankr. D. D.C. 2018). Appearances are required on 9/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Isela Cruz

Represented By  
D Justin Harelik

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14710 Armando C De La Peza**

**Chapter 7**

**#18.00** Cont'd hearing re: United States Trustee's motion to convert case from chapter 7 to chapter 11 pursuant to 11 U.S.C. section 706(b) fr. 8/13/19

Docket 16

**Tentative Ruling:**

No tentative ruling as of 9/9/19. Appearances are required on 9/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Armando C De La Peza

Represented By  
James R Selth

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14952 Manhua Hu**

**Chapter 7**

**#19.00** Hearing re: Trustee's motion for order authorizing sale of real property of the estate [450 Los Altos Avenue, Arcadia, CA 91007] free and clear of liens and interests, subject to higher and better offers, approving overbidding procedures, and approving carve-out stipulation

Docket 32

**Tentative Ruling:**

No tentative ruling as of 9/9/19. Appearances are required on 9/10.

**Party Information**

**Debtor(s):**

Manhua Hu

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. 10/3/18, 1/30/19, 5/29/19

Docket 203

**Tentative Ruling:**

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits.  
Appearances are required on 9/11/19.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel and self-represented  
parties may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/1/18. No tentative ruling on the merits.  
Appearances are required on 10/3/18, but counsel and self-represented  
parties may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits.  
Appearances are required on 8/1/18, but counsel and self-represented parties  
may appear by telephone in accordance with the court's telephone  
appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
5/23/18, but counsel and self-represented parties may appear by telephone in  
accordance with the court's telephone appearance procedures posted online  
on the court's website.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits.  
Appearances are required on 11/15/17, but counsel may appear by

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**      **Barbara Jo Baiz Rodriguez**  
telephone.

**Chapter 11**

Prior tentative ruling as of 5/5/17. The court has reviewed debtor's status report. The court notes that the chart is missing the operative date for the amounts required to be paid, though the text of the report states that the date is the date of the report. Debtor needs to clarify the date for the amounts required to be paid. Otherwise, no tentative ruling on the merits. Debtor should also report on the rental situation, i.e., is the Burbank property rented out, and how much are her children paying on the Hacienda Heights property each. Appearances are required on 5/10/17, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 11/14/16. The court has reviewed debtor's status report. Appearances are required on 11/16/16, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures (posted online on the court's website).

Prior tentative ruling as of 9/12/16. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/24/16 to discuss scheduling of further proceedings, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 7/25/16. No tentative ruling on the merits. Appearances are required on 7/27/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 6/13/16. Off calendar. The court has reviewed debtor's motion requesting an extension of time to file the post-confirmation status report, reporting that she was recently injured, and the court on its own motion continues the status conference to 7/27/16 at 11:00 a.m. with an updated status report due for filing on 7/20/16. No appearances are required on 6/15/16.

Prior tentative ruling as of 3/14/16. The court has reviewed debtor's status

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, September 11, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Barbara Jo Baiz Rodriguez**

**Chapter 11**

report. No tentative ruling. Appearances required on 3/16/16, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 9/15/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 9/16/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling as of 3/3/15. The court has reviewed debtor's status report. No tentative ruling. Appearances required on 3/4/15, but self-represented debtor and counsel may appear by telephone in accordance with the court's telephone appearance procedures.

Updated tentative ruling as of 9/3/14. The court has reviewed the Debtor's status report filed 7/24/2014. No tentative ruling. Appearances required on 9/4/14.

Prior tentative ruling as of 3/17/14. The court has reviewed the United States Trustee (UST)'s report on discovery efforts and results and debtor's objection to the UST's request for further continuance. No tentative ruling on the merits. Appearances are required on 3/19/14.

Prior tentative ruling as of 2/10/14. No tentative ruling. Plan confirmation may be a contested matter under FRBP 9014 requiring an evidentiary hearing. Objecting parties United States Trustee and Deutsche Bank to show excuse for late filing of objections to plan. Debtor to address feasibility of plan, cramdown plan treatment of Deutsch Bank pursuant to its 11 U.S.C. 1111(b) election (i.e., proposed 23-year payout of secured claim may not be proper) and how Stonger vote and objection should be addressed (i.e., what authority exists to disregard Stonger vote or recognize inconsistent ballots, if they are indeed inconsistent rather than unintentionally mistaken.)). Appearances are required on 2/12/14.

Prior tentative ruling as of 12/2/13. At the last hearing on the disclosure statement, debtor indicated that she would submit financial projections as requested by the United States Trustee. Appearances are required on

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**Wednesday, September 11, 2019**

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11:00 AM

**CONT...**      **Barbara Jo Baiz Rodriguez**  
12/4/13, but counsel may appear by telephone.

**Chapter 11**

No tentative ruling as of 10/28/13. Appearances are required on 10/30/13. Debtor to address objections of United States Trustee and secured creditor Deutsche Bank. Although a confirmation matter, the court is not inclined to confirm a plan with a 36 year payout on the secured claim since no apparent justification is provided for the protracted payment and such appears to be discriminatory and unduly shifting the risk of lack of plan feasibility to that creditor. Appearances are required on 10/30/13.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**Movant(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 12/12/18, 3/27/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits.  
Appearances are required on 9/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/27/19, 4/3/19, 5/15/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits.  
Appearances are required on 9/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits.  
Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No  
tentative ruling on the merits. Appearances are required on 2/27/19, but  
counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion in individual chapter 11 case for order authorizing use of cash collateral [11 U.S.C. §363] fr. 8/28/19

Docket 160

**Tentative Ruling:**

Updated tentative ruling as of 9/9/19. No tentative ruling on the merits. Appearances are required on 9/10/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling will issued for the motion heard on shortened notice.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, September 12, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#1.00** CONT'D EVIDENTIARY HEARING RE: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142 fr. 4/3/19, 5/15/19, 7/19/19

Docket 2423

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/12/19 to 10/24/19 at 10:00 a.m. per order entered on 9/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/6/19. Off calendar. Further hearing continued to 10/24/19 at 10:00 a.m. by order granting plan agent's motion for continuance. No appearances are required on 9/12/19.

Prior tentative ruling as of 7/15/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 7/19/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Thursday, September 12, 2019

Hearing Room 1675

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10:00 AM

CONT... **Art and Architecture Books of the 21st Century and 400 S.** Chapter 11

information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank Trust, N.A. VS Debtor)  
fr. 7/16/19

Docket 63

**Tentative Ruling:**

No updated tentative ruling as of 9/16/19. Appearances are required on 9/17/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling in light of the trustee's opposition to the motion. Appearances are required on 7/16/19 to discuss scheduling of further proceedings, including setting an evidentiary hearing on valuation, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Pacific Western Bank VS Debtor)

Docket 84

**Tentative Ruling:**

No tentative ruling in light of the trustee's opposition to the motion.  
Appearances are required on 9/17/19 to discuss scheduling of further proceedings, including setting an evidentiary hearing on valuation, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14907 Messiah Trucking, Inc.**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(TCF National Bank VS Debtor)

Docket 14

**Tentative Ruling:**

Service of the moving papers is deficient because movant did not serve a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d). Movant will need to provide the court with a properly tabbed judge's copy in order for the court to consider the motion. Appearances are required on 9/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Messiah Trucking, Inc.

Represented By  
Lane K Bogard

**Trustee(s):**

John P Pringle (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17285 Jeremy William Lyne**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Jeremy William Lyne

Represented By  
Nicholas Nicholas Wajda

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19093 Mario Smith**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Cordary Group Two, LLC and Real Estate Connection VS Debtor)

Docket 13

**Tentative Ruling:**

The moving papers violate FRBP 9037 and LBR 9037-1 because they contain unredacted personal identifiers of debtor and his spouse in exhibit 2 of the moving papers. The moving papers fail to make a showing to justify retroactive annulment of stay based on the factors set forth in *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013). No tentative ruling on the merits in light of debtor's opposition to the motion. Appearances are required on 9/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Mario Smith

Represented By  
Marc A Goldbach

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-12348 Keith Williams**

**Chapter 7**

**#5.10** Cont'd hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society FSB dba Christiana Trust VS Debtor)  
fr. 9/10/19

Docket 25

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. The moving papers are deficient because movant did not attach the debtor's schedules showing the value of the property rather a copy of a Home Affordable Modification Agreement was attached. Thus, movant has not met its burden to show the lack of equity under 11 U.S.C. 362(g)(1) to establish its claim under either 11 U.S.C. 362(d)(1) or (2). Appearances are required on 9/10/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Keith Williams

Represented By  
Khachik Akhkashian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Keith Williams**

**Chapter 7**

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank Trust National Association VS Debtor)  
fr. 8/27/19

Docket 65

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/17/19 to discuss the status of the parties' settlement negotiations regarding plan treatment of creditor's claim and scheduling of further proceedings on the motion if the matter is not settled, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**Movant(s):**

U.S. Bank Trust National

Represented By  
Kristin A Zilberstein

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#6.10** Hearing re: Emergency motion for entry of an order: (1) approving settlement agreement; (2) approving the sale of real property to Foster Farms, LLC free and clear of all liens, claims, encumbrances and interests, other than permitted encumbrances; (3) vacating a prior sale order regarding the subject real property; and (4) granting related relief;

Docket 355

**Tentative Ruling:**

No tentative ruling will be issued on the motion heard on shortened notice.  
Appearances are required on 9/17/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:12-35473 Amurgence Technology Inc**

**Chapter 7**

Adv#: 2:14-01502 Rund, Chapter 7 Trustee v. Microland Electronics Corporation, a California

**#7.00** Cont'd pretrial conference re: Complaint to: 1. Avoid Preferential Transfers; 2. Avoid Fraudulent Transfers; 3. Recover Preferential and Fraudulent Transfers; 4. Aiding and Abetting Breach of Fiduciary Duty; 5. Intentional Interference with Prospective Economic Advantage; and 6. Negligent Interference with Prospective Economic Advantage [11 U.S.C. §§544, 547, 548(a)(1)(A) and (B), 550(a)(1) and (2) and California Civil Code §3439, et seq.]  
fr. 11/27/18, 2/26/19, 5/7/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 7/18/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Amurgence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Defendant(s):**

Microland Electronics Corporation,

Pro Se

**Plaintiff(s):**

Jason M. Rund, Chapter 7 Trustee

Represented By  
Corey R Weber

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Amergence Technology Inc**

**Chapter 7**

Michael W Davis

Jason M Rund (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se





**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:16-01332 All In One Trading, Inc., a California corporation v. Chaparala

**#9.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt and for denial of discharge  
fr. 3/12/19, 5/28/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. Off calendar. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/20 and a pretrial conference for 5/5/20 at 2:00 p.m. Order the parties to mediation, select a mediator and alternate by 11/1/19 and complete mediation by 5/5/20. Appearances are required on 9/17/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 5/24/19. The status conference will be conducted with the hearing on plaintiff's motion for summary judgment on the court's 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 3/11/19. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 5/28/19 at 1:30 p.m. based on plaintiff's intention to notice a motion for summary judgment for hearing in April or May 2019. The court on its own motion continues the status conference to 5/28/19 at 1:30 p.m. No appearances are required on 3/12/19.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

All In One Trading, Inc., a California

Represented By  
Richard L Barnett

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Richard L Barnett

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01121 Ehrenberg v. JYMK COSMETICS, INC. et al

**#10.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 1/29/19, 4/16/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 12/31/19 and a pretrial conference for 1/28/20 at 2:00 p.m. Appearances are required on 9/17/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Corrected tentative ruling as of 4/15/19. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late June or early July 2019. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed plaintiff's unilateral status report, stating that plaintiff intends to file a motion for default judgment and requesting a continuance of the status conference to late January 2019.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

CONT... **Rama Krishna Chaparala**

**Chapter 7**

The court on its own motion continues the status conference to 1/29/19 at 1:30 p.m. Counsel for trustee to give notice if required because any defendant has appeared. No appearances are required on 11/6/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because default has been entered against defendant and plaintiff has represented that it intends to file a motion for default judgment shortly, the court on its own motion continues the status conference for about 60 days to 11/6/18 at 1:30 p.m. so plaintiff can file its motion for default judgment. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Because defendants have not responded to the complaint and plaintiff intends to request entry of their default, the court is inclined to continue the status conference for about 60 days so plaintiff can file a request for entry of default. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

JYMK COSMETICS, INC.

Pro Se

In One Corporation

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Rama Krishna Chaparala**

Michael Fischer

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01122 Ehrenberg v. Perfumerie, Inc. et al

**#11.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 1/29/19, 4/16/19, 6/25/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 7/3/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

|                  |        |
|------------------|--------|
| Perfumerie, Inc. | Pro Se |
| Puja Lachmandas  | Pro Se |
| Parvez Syed      | Pro Se |
| Rajkumari Aswani | Pro Se |
| Naintara Jiwnani | Pro Se |
| Archana Jiwnani  | Pro Se |

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

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**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

Adv#: 2:18-01124 Ehrenberg v. Chaparala

**#12.00** Cont'd status conference re: Complaint for the avoidance and recovery of fraudulent transfers  
fr. 1/29/19, 4/16/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/20 and a pretrial conference for 5/5/20 at 2:00 p.m. Order the parties to mediation, select a mediator and alternate by 11/1/19 and complete mediation by 5/5/20. Appearances are required on 9/17/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/25/19 to discuss scheduling of further proceedings, but counsel may appear by telephone.

Corrected tentative ruling as of 4/15/19. The court has reviewed the joint status report, stating that the parties expect to engage in settlement negotiations after defendant submits a comprehensive declaration regarding his financial condition with a personal financial statement setting forth all of his assets, liabilities, income and expenses and that the parties are requesting a continuance of the status conference for 60 days. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m., and an updated status report is optional for this status conference, but if one is filed, it would be appreciated if it is filed at least one week before. Plaintiff is ordered to submit a proposed scheduling order consistent with this tentative ruling on or before 4/19/19. No appearances are required on 4/16/19.

Revised tentative ruling as of 1/29/19. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on

**United States Bankruptcy Court  
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**CONT... Rama Krishna Chaparala**

**Chapter 7**

1/29/19 to discuss whether the parties have had their early meeting of counsel and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. Set a discovery cutoff date of 3/31/19, and as requested by plaintiff, a further status conference to 1/29/19 at 1:30 p.m. Appearances are required on 11/6/18 to discuss scheduling and defendant's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. Off calendar. The court has reviewed the joint status report requesting a continuance of the status conference to 11/6/18 at 1:30 p.m., which request the court grants and continues the status conference to that date and time for the reasons stated in the status report. No appearances are required on 9/18/18.

Prior tentative ruling. The court has reviewed the joint status report. Because the parties have not had their LBR 7026-1 conference, the court is inclined to continue the status conference for about 60 days so that the parties can conduct the conference and make initial discovery disclosures. Appearances are required on 6/19/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Defendant(s):**

Rama Krishna Chaparala

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Anthony J Napolitano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Rama Krishna Chaparala**

**Chapter 7**

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01351 Mover v. Jaurigui

**#13.00** Cont'd status conference re: Complaint for nondischargeability under 11 U.S.C. §§523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4)  
fr. 1/8/19, 6/11/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. Because the discovery cutoff date was extended to 12/31/19 and discovery is continuing to that date, the court was inclined to set a post-discovery status conference or a pretrial conference for after the discovery cutoff date. Appearances are required on 9/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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1:30 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Jonathan Mover

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

**#14.00** Cont'd status conference re: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4) fr. 1/8/19, 6/11/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. Because the discovery cutoff date was extended to 12/31/19 and discovery is continuing to that date, the court was inclined to set a post-discovery status conference or a pretrial conference for after the discovery cutoff date. Appearances are required on 9/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 8/30/19 and a post-discovery status conference on 9/17/19 at 1:30 p.m. A joint status report is due on 9/10/19. Appearances are required on 1/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

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**CONT... Philip Joseph Jaurigui**

**Chapter 7**

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-15579 Carlos Joel Armienta and Tania Gisela Armienta**

**Chapter 7**

**#15.00** Hearing re: Sanctions on debtor's counsel for violations of Local Bankruptcy Rules

Docket 20

**\*\*\* VACATED \*\*\* REASON: Per order entered on 9/13/19-st**

**Tentative Ruling:**

Off calendar. Order to show cause has been discharged by a subsequent order. No appearances are required on 9/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Carlos Joel Armienta

Represented By  
Steven A Alpert  
L. Tegan Rodkey

**Joint Debtor(s):**

Tania Gisela Armienta

Represented By  
Steven A Alpert  
L. Tegan Rodkey

**Trustee(s):**

Timothy Yoo (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#16.00** Cont'd status conference re: Complaint for (1) determination that debt is nondischargeable pursuant to bankruptcy pursuant to bankruptcy code sections 523(1)(4) and 523(a)(6); and (2) for a finding of alter ego liability fr. 11/13/18, 3/5/19, 5/7/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/17/19. Set a discovery cutoff date of 10/31/19 and a post-discovery status conference on 11/19/19 at 1:30 p.m. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/4/19. Off calendar. The court has reviewed plaintiff's unilateral status report. The court on its own motion continues the status conference to 5/7/19 at 1:30 p.m. in order to allow time for plaintiff to prepare and file a motion for default judgment. No appearances are required on 3/5/19.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 11/13/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
|----------------|--------|

**Defendant(s):**

|                 |        |
|-----------------|--------|
| Nicholas Bowes  | Pro Se |
| Luddivina Bowes | Pro Se |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Nicholas Bowes**

**Chapter 7**

**Joint Debtor(s):**

Luddivina Bowes

Pro Se

**Plaintiff(s):**

Camel Financial, Inc.

Represented By  
Darren B. Landie  
Jerome S Demaree

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17205 Avi Cohen**

**Chapter 7**

Adv#: 2:18-01296 Swift Financial, LLC fka Swift Financial Corporati v. Cohen

- #17.00** Cont'd status conference re: Complaint for non-dischargeability for: 1) debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C. §523(a)(2) (A); 2) debts incurred through false statements respecting debtor's financial condition under 11 U.S.C. §523(a)(2)(B); 3) debts incurred through conversion under 11 U.S.C. § 523(a)(4); 4) debts incurred through willful and malicious injury to property under 11 U.S.C. §523(a)(6) fr. 11/27/18, 6/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. The court has reviewed the joint status report. Set a pretrial conference for 1/28/20 at 2:00 p.m. and a deadline of 1/21/20 for filing a joint pretrial stipulation. Appearances are required on 9/17/19.

Prior tentative ruling as of 6/10/19. Off calendar. The court has reviewed plaintiff's interim status report stating that the alternate mediator would be able to complete a mediation in mid-June and requested a continuance of 30 days. The court on its own motion continues the status conference to 6/25/19 at 1:30 p.m. No appearances are required on 6/11/19. Plaintiff to give notice of continuance to defendant.

Prior tentative ruling. Set a discovery cutoff date of 5/31/19 and a post-discovery status conference on 6/11/19 at 1:30 p.m. with a joint status report due on 6/4/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 1/31/19 and complete mediation by 6/11/19. Appearances are required on 11/27/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website. Plaintiff to submit a proposed scheduling order within 7 days of the status conference.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, September 17, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Avi Cohen**

**Chapter 7**

**Debtor(s):**

Avi Cohen

Represented By  
Joshua L Sternberg

**Defendant(s):**

Avi Cohen

Pro Se

**Plaintiff(s):**

Swift Financial, LLC fka Swift

Represented By  
Daren M Schlecter

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

2:18-20432 Don Gonzalez

Chapter 7

Adv#: 2:18-01432 Swift Financial, LLC v. Gonzalez

**#18.00** Cont'd status conference re: Complaint for non-dischargeability for: 1) debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C. §523(a)(2)(A); 2) debts incurred through false statements respecting debtor's financial condition under 11 U.S.C. §523(a)(2)(B); 3) debts neither listed nor scheduled and known to debtor (11 U.S.C. §523(a)(3); 4) debts incurred through conversion under 11 U.S.C. §523(a)(4); 5) debts incurred through willful and malicious injury to property under 11 U.S.C. § 523(a)(6); 6) objection to discharge under 11 U.S.C. §727(a)(5) fr. 2/12/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/15/19 at 1:30 p.m.  
per order entered on 8/23/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 10/15/19 at 1:30 p.m. by prior order. No appearances are required on 9/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Don Gonzalez Pro Se

**Defendant(s):**

Don Gonzalez Pro Se

**Plaintiff(s):**

Swift Financial, LLC Represented By  
Daren M Schlecter

**Trustee(s):**

Wesley H Avery (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#19.00** Cont'd status conference re: Objection to claim no.1 filed by the Internal Revenue Service  
fr. 6/11/19, 7/16/19

Docket 39

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed the joint status report. Appearances are required on 7/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:19-01140 GemCap Lending I, LLC v. Great Rock Capital Partners Management, LLC

**#20.00** Cont'd status conference re: Adversary complaint for equitable subordination  
fr. 7/16/19, 8/27/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/22/19 at 2:00 p.m.  
per stip & order entered on 8/15/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Great Rock Capital Partners

Pro Se

**Plaintiff(s):**

GemCap Lending I, LLC

Represented By  
Carol Chow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01214 Katz et al v. CITIBANK, N.A. et al

**#21.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers;  
(2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers;  
(4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and  
(6) Disallowance of Claims

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/15/19 at 1:30 p.m.  
per stip & order entered on 8/13/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

CITIBANK, N.A.

Pro Se

Citi

Pro Se

Citigroup, Inc.

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn



**United States Bankruptcy Court  
Central District of California  
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**Tuesday, September 17, 2019**

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**CONT... Robert David Katz**  
Robert David Katz

Represented By  
Victor A Sahn

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01215 Katz et al v. Capital One et al

**#22.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/16/19 at 11:30 a.m. per stip & order entered on 9/3/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

Capital One

Pro Se

Capital One, National Association

Pro Se

Capital One Bank (USA)

Pro Se

Capital One Bank (USA), National

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Roslyn Soudry Katz

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

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**CONT...**

**Robert David Katz**

**Chapter 11**

Victor A Sahn

Robert David Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01216 Katz et al v. American Express Company, a New York Corporation e

**#23.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers;  
(2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers;  
(4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and  
(6) Disallowance of Claims

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/15/19 at 1:30 p.m.  
per stip & order entered on 8/29/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

|                                   |        |
|-----------------------------------|--------|
| American Express Company, a New   | Pro Se |
| American Express                  | Pro Se |
| American Express Travel Related   | Pro Se |
| American Express National Bank, a | Pro Se |

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Roslyn Soudry Katz

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

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1:30 PM

**CONT...**

**Robert David Katz**

**Chapter 11**

Victor A Sahn

Robert David Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, September 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01217 Katz et al v. Bank of America Corporation, a Delaware corporatio

**#24.00** Status conference re : Complaint for: (1) Avoidance of Preferential Transfers;  
(2) Recovery of Preferential Transfers; (3) Preservation of Avoided Transfers; and  
(4) Disallowance of Claims

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/17/19 to 10/16/19 at 11:30  
a.m. per stip & order entered on 9/3/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

Bank of America Corporation, a

Pro Se

BANK OF AMERICA

Pro Se

Bank of America, N.A., a National

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

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**Hearing Room 1675**

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1:30 PM

**CONT... Robert David Katz**  
Robert David Katz

Represented By  
Victor A Sahn

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-17849 Real Estate Law Center, P. C.**

**Chapter 7**

**#25.00** Cont'd status conference re: Involuntary petition  
fr. 8/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits.  
Appearances are required on 9/17/19.

Prior tentative ruling. The date of service on the proof of service of the  
involuntary petition is blank and not under declaration of penalty of perjury,  
and a corrected proof of service needs to be filed. Assuming the date of  
service is 7/24/19, the response deadline of 8/19/19 has not yet passed.  
Appearances are required on 8/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Real Estate Law Center, P. C.

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-19511 Denise Renee Richey**

**Chapter 7**

**#26.00** Status conference re: Involuntary petition

Docket 1

**Tentative Ruling:**

No tentative ruling as of 9/16/19. Appearances are required on 9/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Denise Renee Richey

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:00 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#27.00** Cont'd hearing re: Motion for order: (A) dismissing involuntary petition against Reyna Taylor Under FRCP 12(b)(1) and 12(b)(6), or for abstention under 11 U.S.C. 305(a); and (b) for monetary and other sanctions under 11 U.S.C. 303(i), (k) fr. 8/20/19, 8/29/19

Docket 6

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:00 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#28.00** Cont'd status conference re: Involuntary petition  
fr. 8/20/19, 8/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#29.00** Hearing re: Motion by chapter 7 trustee, Wesley H., Avery, requesting amendment of order and/or that the court make additional findings regarding the order granting in part and denying in part chapter 7 trustee's motion objecting to exemption claimed in debtor's amended schedules filed on May 21, 2019 due to error

Docket 445

**Tentative Ruling:**

No tentative ruling as of 9/16/19. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18877 Martha L Amerine**

**Chapter 7**

**#30.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Sam S Leslie, Chapter 7 Trustee]

Docket 70

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Martha L Amerine

Represented By  
Marc A Goldbach

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim  
James A Dumas Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-18877 Martha L Amerine**

**Chapter 7**

**#31.00** Hearing re: Application for fees and expenses  
[LEA Accountancy, LLP, Accountant for Chapter 7 Trustee]

Docket 66

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/17/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha L Amerine

Represented By  
Marc A Goldbach

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Christian T Kim  
James A Dumas Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-20423 Dwight Henry**

**Chapter 7**

**#32.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Sam S Leslie, Chapter 7 Trustee]

Docket 82

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Dwight Henry

Represented By  
Gary Leibowitz  
Jacqueline D Serrao

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-20423 Dwight Henry**

**Chapter 7**

**#33.00** Hearing re: Application for fees and expenses  
[Gonzalez & Associates, P.L.C., Attorney for Chapter 7 Trustee]

Docket 80

**Tentative Ruling:**

Approve final fee application of general bankruptcy attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/17/19, but applicant and counsel may appear by telephone. Applicants or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Dwight Henry

Represented By  
Gary Leibowitz  
Jacqueline D Serrao

**Trustee(s):**

Sam S Leslie (TR)

Represented By  
Rosendo Gonzalez



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-22905 Cindy Hernandez Salcedo**

**Chapter 7**

**#34.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Carolyn A. Dye, Chapter 7 Trustee]

Docket 41

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Cindy Hernandez Salcedo

Represented By  
Matthew D Resnik

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-22905 Cindy Hernandez Salcedo**

**Chapter 7**

**#35.00** Hearing re: Application for fees and expenses  
[LEA Accountancy, LLP, Accountant for Chapter 7 Trustee]

Docket 37

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 9/17/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Cindy Hernandez Salcedo

Represented By  
Matthew D Resnik

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

**#36.00** Hearing set on Motion for order determining inapplicability debtor's asserted "homestead" exemption to property at 1483 N. Occidental Blvd., Los Angeles, CA 90026

Docket 136

**\*\*\* VACATED \*\*\* REASON: Stipulated withdrawal order entered on 9/13/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by stipulation and order. No appearances are required on 9/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, September 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-25685 Susan Ellen Wertz**

**Chapter 7**

**#37.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Sam S. Leslie, Chapter 7 Trustee]

Docket 24

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 9/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Susan Ellen Wertz

Represented By  
D Justin Harelik

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

2:30 PM

2:19-10311 Susie Guerrero

Chapter 7

#38.00 Hearing re: United States Trustee's motion to dismiss chapter 7 case with a refiling bar pursuant to 11 U.S.C. §707(b)(3)(A), or, in the alternative, to further extend time to file a complaint under §727

Docket 22

**\*\*\* VACATED \*\*\* REASON: Matter under submission and vacating hearing per order entered on 9/11/19-mb.**

**Tentative Ruling:**

Off calendar. By prior order, the court took the motion under submission after determining that oral argument is unnecessary and dispensed with it. A written order will be issued. No appearances are required on 9/17/19.

**Party Information**

**Debtor(s):**

Susie Guerrero

Represented By  
Michael D Luppi

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, September 17, 2019

Hearing Room 1675

2:30 PM

**2:19-15729 Eric John Kaesman**

**Chapter 7**

**#39.00** Hearing re: Creditor Ann Marie Kaesman's motion to dismiss chapter 7 case pursuant to 11 U.S.C. §§ 707(b)(1) and (b)(2)

Docket 23

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014 and set an evidentiary hearing since there are disputed issues of material fact for the court to resolve to rule on the motion. See In re Perrotta, 378 B.R. 27, 30 (Bankr. D. N.H. 2007). The parties dispute whether the presumption of abuse arises and how the means test is computed here, and the results may change if debtor amends his schedules as he represented in his opposition. Movant has not shown that debtor may not amend his schedules for purposes of the means test in light of the liberality of the policy to allow a debtor to amend his schedules under FRBP 1009. The court will treat the hearing as a status conference in which the court will discuss scheduling of further proceedings. The parties should be prepared to discuss their pretrial needs, including discovery. Appearances are required on 9/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Eric John Kaesman

Represented By  
Stephen A Madoni  
Maureen Strube

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Nancy H Zamora

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15665 Crystal Cathedral Ministries**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion for rule 9011 sanctions against Douglas L. Mahaffey, Esq. and Crystal Cathedral Ministries  
fr. 7/31/19

Docket 2100

**Tentative Ruling:**

Revised tentative ruling as of 9/17/19. The court will call the matter for hearing no earlier than 11:30 a.m. after the other matters on the 11:00 a.m. calendar are called. Movant will have 30 minutes to argue, and respondents will have 30 minutes total to argue. No tentative ruling on the merits. The court does not intend to make a ruling at the hearing because it will need to review the requested attorneys' fees for reasonableness and requests that the parties submit billing entries for each counsel whose fees are being requested on a Microsoft Excel spreadsheet file to aid the court in ruling on the reasonableness of the fees requested as to each billing entry (the court will ask that the parties email the file to the judge's law clerk or courtroom deputy). Appearances are required on 9/18/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Crystal Cathedral Ministries

Represented By  
Marc J Winthrop  
Kavita Gupta  
G Emmett Raitt  
Nanette D Sanders  
Jeannie Kim  
Douglas L Mahaffey

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-28426 Chestnut, LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 11/28/18, 12/19/18, 3/13/19

Docket 59

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits.  
Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Chestnut, LLC

Represented By  
Raymond H Aver

**Movant(s):**

Chestnut, LLC

Represented By  
Raymond H Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#3.00** Cont'd hearing re: Fourth and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses for Kurt Ramlo, Debtor's Attorney, Period: 11/16/2015 to 5/6/2016, Fee: \$618,081.00, Expenses: \$44,014.52. fr. 6/6/18, 8/8/18, 12/5/18, 5/1/19

Docket 2000

**Tentative Ruling:**

Updated tentative ruling as of 9/17/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#4.00** Cont'd hearing re: Fourth and final application of SulmeyerKupetz, a professional corporation, general bankruptcy counsel for official committee of unsecured creditors, for allowance and payment of fees and expenses, Period: 11/14/2015 to 4/6/2016, Fee: \$1,222,090.50, Expenses: \$71,194.27.  
fr. 8/8/18, 12/5/18, 12/12/18, 5/1/2019

Docket 2004

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits.  
Appearances are required on 9/18/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

**#5.00** Cont'd status conference re: Post confirmation of plan  
fr. 12/5/18, 12/12/18, 5/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/12/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/18. The court has reviewed the plan agent's status report. No tentative ruling on the merits. Appearances are required on 6/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/18. The court has reviewed the plan agent's status report. No tentative ruling on the merits. Appearances are required on 1/31/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/14/17. The court has reviewed plan agent's status report. No tentative ruling on the merits. Appearances are required on 8/16/17, but counsel may appear by telephone.

No updated tentative ruling as of 5/16/17. Appearances are required on 5/17/17, but counsel may appear by telephone.

No updated tentative ruling as of 2/13/17. Appearances are required on 2/15/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the plan agent's

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Art and Architecture Books of the 21st Century Chapter 11**

postconfirmation status report. No tentative ruling on the merits. The court is interested in hearing from the plan agent and the parties regarding the status of plan implementation in light of the current administrative insolvency of the case, including the ability of reorganized debtor to fund continuing operations, possible resolution of plan defaults from inability and failure of the estate/reorganized debtor to pay allowed administrative expense claims now due, and the status of settlement discussions with the Wilshire property landlord and art consignor creditors. Appearances are required on 9/21/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-17906 Stassen Conrad Goins**

**Chapter 11**

**#6.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 7/11/18, 11/14/18, 3/27/19

Docket 94

**\*\*\* VACATED \*\*\* REASON: Case dismissed per order entered on 8/29/19  
-mb.**

**Tentative Ruling:**

Off calendar. Case dismissed by order entered on 8/29/19. No appearances  
are necessary.

**Party Information**

**Debtor(s):**

Stassen Conrad Goins

Represented By  
Brad Weil

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26820 SK Vision LLC**

**Chapter 11**

**#7.00** Cont'd status conference re: Post confirmation of plan  
fr. 11/7/18, 12/19/18, 5/1/19

Docket 109

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SK Vision LLC

Represented By  
Aurora Talavera

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/13/19, 3/27/19, 6/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Off calendar. Continued by stipulation and order to 6/12/19 at 11:00 a.m. No appearances are required on 3/27/19.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/14/19. No tentative ruling on the merits. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/25/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 6/27/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Fox Property Holdings, LLC**

**Chapter 11**

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits.  
Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. Appearances are required on 3/7/18, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#9.00** Status conference re: Post confirmation of plan  
fr. 2/27/19, 5/1/19

Docket 53

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. No tentative ruling on the merits. Creditor PennyMac Loan Services, LLC objects to confirmation on grounds that under 11 U.S.C. 1123(b)(5) the plan impermissibly modifies a loan which is secured by debtor's principal residence by proposing payment of prepetition loan arrears over 10 years. In response, debtor argues that he may cure his default on this loan under 11 U.S.C. 1123(a)(5)(G) and the proposed 10 year payment of prepetition arrearages is impermissible, citing *In re Entz-White Lumber & Supply, Inc.*, 850 F.2d 1338 (9th Cir. 1988) and *In re LaPorta*, 578 B.R. 792 (Bankr. N.D. Ill. 2017). Neither party cites or discusses 11 U.S.C. 1123(d), which appears to be applicable here, and states: "Notwithstanding subsection (a) of this section and section 506(b), 1129(a)(7), and 1129(b) of this title, if it is proposed in a plan to cure a default the amount necessary to cure the default shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law." When the payment is made affects how much, i.e., the amount, if one considers the time value of money, which is why the court is not so sure that the language of *In re LaPorte*, 578 B.R. 792 (Bankr. N.D. Ill. 2017) that 11 U.S.C. 1123(d) only applies to the amount of cure as to the time of cure is correct. See *In re Fowler*, 903 F.2d 694 (9th Cir. 1990). Debtor's reliance on *Entz-White* is questionable since it is reliant on pre-1994 law which amended 11 U.S.C. 1123(d). *In re New Investments, Inc.*, 840 F.3d 1137 (9th Cir. 2016). PennyMac is an impaired creditor of nonaccepting Class 2, which did not vote, but its failure to cast a vote is not acceptance. *In re M. Long Arabians*, 103 B.R. 211 (9th Cir. BAP 1989); but see, *In re Rudi-Sweetwater, Inc.*, 836 F.2d 1263 (10th Cir. 1988). Debtor must show that the nonconsenting secured creditor retains its lien and is receiving deferred payments until paid in full, i.e., receiving the present

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Edgar Eduardo Esparza**

**Chapter 11**

value of the deferred payments equals the present value of the property under 11 U.S.C. 1129(b)(2)(A)(i)(I) and (II). As to the length of the payout, the court should look at 11 U.S.C. 1123(d) and look specifically whether the 10 year payout on prepetition arrearages is consistent with the underlying agreement and applicable nonbankruptcy law, neither of which are really discussed in the parties' papers. Set an evidentiary hearing on a contested plan confirmation proceeding to determine whether debtor has met his burden of proving that his treatment of secured creditor PennyMac is fair and equitable under 11 U.S.C. 1129(b)(2)(A). Parties should be prepared to discuss their pretrial needs, including discovery. Appearances are required on 5/1/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#10.00** Cont'd hearing re: Disclosure statement  
fr. 5/29/19, 6/12/19, 7/17/19

Docket 58

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. Appearances are required on 6/12/19 regarding scheduling debtor's appearance before the court, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, September 18, 2019

Hearing Room 1675

11:00 AM

CONT...

**Hugo Hernandez**

**Chapter 11**

even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/29/19, 6/12/19, 7/17/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits.  
Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#12.00** Hearing re: Motion to disqualify Victor Sahn and SulmeyerKupetz, A Professional Corporation from representing debtors Roslyn Soudry Katz and Robert Katz

Docket 197

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/18/19 to 10/10/19 at 11:00 a.m. per stip & order entered on 9/4/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 10/10/19 at 11:00 a.m.  
No appearances are required on 9/18/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 18, 2019**

**Hearing Room 1675**

11:30 AM

**2:11-14196 Gary Wayne Barker, Sr**

**Chapter 11**

**#13.00** Cont'd hearing re: Second application to dismiss case based upon debtor's failure to comply with prior court order fr. 7/31/19

Docket 258

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling. Deny motion of United States Trustee to dismiss case for the reasons stated in the opposition of debtor on condition that debtor promptly file and serve a motion for final decree with supporting declarations demonstrating that all plan payments and other required payments have been made. Appearances are required on 7/31/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Gary Wayne Barker Sr

Represented By  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, September 19, 2019

Hearing Room 1675

10:00 AM

2:18-13759 Charles Peters

Chapter 11

#1.00 EVIDENTIARY HEARING RE: Motion for relief from stay  
(County of Riverside VS Debtor)  
fr. 7/27/18, 10/4/18, 1/17/19, 5/30/19

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/19/19 to 11/14/19 at 10:00  
a.m. per stip & order entered on 8/16/19-mb.**

**Courtroom Deputy:**

**[Cont'd from 9/19/19 to 11/14/19 at 10:00 a.m. per stip & order entered on  
8/16/19]**

**Tentative Ruling:**

Updated tentative ruling as of 8/16/19. Off calendar. Continued by stipulation and order to 11/14/19 at 10:00 a.m. No appearances are required on 9/19/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding debtor's good faith in filing this case and whether the filing of debtor's petition was part of a scheme to hinder, delay or defraud creditors. The court will conduct the hearing as a status conference, and the parties should be prepared to discuss scheduling of an evidentiary hearing. Appearances are required on 5/22/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, September 20, 2019**

**Hearing Room 1675**

10:00 AM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#1.00** EVIDENTIARY HEARING RE: Chapter 7 trustee's motion for order disallowing proofs of claims (Claim No. 9-1) fr. 4/30/19, 6/11/19

Docket 52

**\*\*\* VACATED \*\*\* REASON: Cont'd from 9/20/19 to 12/11/19 at 1:30 p.m. per order entered on 9/16/19-mb.**

**Courtroom Deputy:**

**[Cont'd from 9/20/19 to 12/11/19 at 1:30 p.m. per order entered on 9/16/19]**

**Tentative Ruling:**

Updated tentative ruling as of 9/16/19. The evidentiary hearing on trustee's motion objecting to the claim of Ruben Saidian is continued to December 11, 2019 at 1:30 p.m. A written order continuing the hearing is being entered. The court will keep this hearing on calendar just in case that Mr. Saidian appears on 9/20/19 because he is self-represented and that there is a need to order any subpoenaed witnesses to return on December 11, 2019. Appearances are optional on 9/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 6/10/19. Treat as a contested matter under Federal Rule of Bankruptcy Procedure 9014 and set an evidentiary hearing and trial on the objection to Claim 9-1 of Ruben Saidian. The court does not expect that the trial would be long, perhaps 1-2 hours, and the court expects one of the parties to subpoena the debtor to testify as a trial witness. Alternatively, the parties may bring cross-motions for summary judgment. Appearances are required on 6/11/19 to discuss scheduling of pretrial proceedings and trial, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant trustee's motions objecting to Claim 7-1 of Bijan Navidbakhsh, Claim 9-1 of Ruben Saidian and Claim 10-1 of Farshid Shohed for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 4/30/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, September 20, 2019**

**Hearing Room 1675**

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10:00 AM

**CONT... Sion Javaheri**

**Chapter 7**

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, September 27, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Emergency motion for entry of an order: (1) approving settlement agreement; (2) approving the sale of real property to Foster Farms, LLC free and clear of all liens, claims, encumbrances and interests, other than permitted encumbrances; (3) vacating a prior sale order regarding the subject real property; and (4) granting related relief  
fr. 9/17/19

Docket 355

**Tentative Ruling:**

Off calendar. At the request of Debtor, the court has continued the hearing on 9/27/19 at 11:00 a.m. to 9/30/19 at 2:30 p.m. in order for the parties to finalize their transactional documents for the sale of certain estate assets, which they had previously expected to complete before the hearing on 9/27/19. The court has authorized Debtor to file the Debtor's Notice of Continued Holding Date for the Court to Further Consider Debtor's Emergency Motion for Entry of an Order: (1) Approving Settlement Agreement; (2) Approving the Sale of Real Property to Foster Farms, LLC Free and Clear of All Liens, Claims, Encumbrances and Interests, other than Permitted Encumbrances; (3) Vacating a Prior Sale Order Regarding the Subject Real Property; and (4) Granting Related Relief, which was filed on 9/25/19. Based on this notice authorized by the court, the hearing is continued from 9/27/19 at 11:00 a.m. to 9/30/19 at 2:30 p.m.. No appearances are required on 9/27/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, September 30, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Cont'd hearing re: Emergency motion for entry of an order: (1) approving settlement agreement; (2) approving the sale of real property to Foster Farms, LLC free and clear of all liens, claims, encumbrances and interests, other than permitted encumbrances; (3) vacating a prior sale order regarding the subject real property; and (4) granting related relief fr. 9/17/19, 9/27/19

Docket 355

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Updated tentative ruling as of 9/27/19. The court has reviewed and approved the proposed further order re: debtor's emergency motion for entry of order approving settlement agreement, approving sale of real property to Foster Farms, LLC, free and clear of all liens, claims, encumbrances, interests, other than permitted encumbrances, vacating prior sale order and granting related relief after reviewing the proposed further order and the documents in support of the further order, including the declaration of Juliet Y. Oh attesting that the debtor, the purchaser and the parties have approved the form of the proposed further order and notice of submission of asset purchase agreements. The entry of the approved further order is pending. Appearances are optional on 9/30/19, but counsel may appear by telephone.

Prior tentative ruling. At the request of Debtor, the court has continued the hearing on 9/27/19 at 11:00 a.m. to 9/30/19 at 2:30 p.m. in order for the parties to finalize their transactional documents for the sale of certain estate assets, which they had previously expected to complete before the hearing on 9/27/19. The court has authorized Debtor to file the Debtor's Notice of Continued Holding Date for the Court to Further Consider Debtor's Emergency Motion for Entry of an Order: (1) Approving Settlement Agreement; (2) Approving the Sale of Real Property to Foster Farms, LLC Free and Clear of All Liens, Claims, Encumbrances and Interests, other than Permitted Encumbrances; (3) Vacating a Prior Sale Order Regarding the Subject Real Property; and (4) Granting Related Relief, which was filed on 9/25/19. Based on this notice

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, September 30, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

authorized by the court, the hearing is continued from 9/27/19 at 11:00 a.m. to 9/30/19 at 2:30 p.m.. No appearances are required on 9/27/19.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By

Ron Bender

Juliet Y Oh

Todd M Arnold

Lindsey L Smith

Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:14-29611 Nikolay Machevsky**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Crown Towers Homeowners Association VS Debtor)

Docket 34

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Nikolay Machevsky

Represented By  
Vahe Khojayan

**Movant(s):**

Crown Towers Homeowners

Represented By  
Johnny White

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Nancy H Zamora

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17177 Yolanda Annette Slaughter**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. dba Chrysler Capital VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Yolanda Annette Slaughter

Pro Se

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Jennifer H Wang

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17759 SAP DIGITAL CORP.**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtor)

Docket 8

**Tentative Ruling:**

Deny without prejudice because the Chapter 7 trustee has filed a motion to sell the vehicle to Carmax and should pay off the existing lien to movant. The motion was filed on 9/24/19 pursuant to the notice and request for hearing procedure under LBR 9013-1(o). Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SAP DIGITAL CORP.

Represented By  
Jonathan J. Lo

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18141 George Phillip Tupoljew, Jr.**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Fifth Third Bank VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

George Phillip Tupoljew Jr.

Represented By  
Barry E Borowitz

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18342 Richard Joe Leal**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Citigroup Mortgage Loan Trust Inc. VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Richard Joe Leal

Represented By  
David Lozano

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18833 Jose Orlando Monroy**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Fifth Third Bank VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Jose Orlando Monroy

Represented By  
Allan S Williams

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18878 Jose Luis Alvarez Gomez and Yessenia Alvarez**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Santander Consumer USA Inc. dba Chrysler Capital VS Debtors)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Jose Luis Alvarez Gomez

Represented By  
D Justin Harelik

**Joint Debtor(s):**

Yessenia Alvarez

Represented By  
D Justin Harelik

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19605 Ungyong Jang**

**Chapter 7**

**#8.00** Hearing re: Motion for relief from stay  
(Magnum Property Investments, LLC and Strategic Acquisitions, Inc. VS Debtor)

Docket 8

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 9/4/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by notice filed on 9/4/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Ungyong Jang

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19624 Nana Baidoobonso I AM**

**Chapter 7**

**#9.00** Hearing re: Motion for relief from stay  
(Lyons Investment Properties, LLC VS Debtor)

Docket 9

**Tentative Ruling:**

No tentative ruling as of 9/30/19. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Nana Baidoobonso I AM | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-14907 Messiah Trucking, Inc.**

**Chapter 7**

**#9.10** Cont'd hearing re: Motion for relief from stay  
(TCF National Bank VS Debtor)  
fr. 9/17/19

Docket 14

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. Service of the moving papers is deficient because movant did not serve a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d). Movant will need to provide the court with a properly tabbed judge's copy in order for the court to consider the motion. Appearances are required on 9/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Messiah Trucking, Inc.

Represented By  
Lane K Bogard

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Messiah Trucking, Inc.**

**Chapter 7**

**Trustee(s):**

John P Pringle (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-19093 Mario Smith**

**Chapter 7**

**#9.20** Cont'd hearing re: Motion for relief from stay  
(Cordary Group Two, LLC and Real Estate Connection VS Debtor)  
fr. 9/17/19

Docket 13

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/1/19, but counsel and self-represented parties may appear telephonically in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The moving papers violate FRBP 9037 and LBR 9037-1 because they contain unredacted personal identifiers of debtor and his spouse in exhibit 2 of the moving papers. The moving papers fail to make a showing to justify retroactive annulment of stay based on the factors set forth in *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013). No tentative ruling on the merits in light of debtor's opposition to the motion. Appearances are required on 9/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Mario Smith

Represented By  
Marc A Goldbach

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

1:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:18-01371      Gonzalez v. Discover Bank et al

**#10.00**      Cont'd status conference re: Complaint for: 1) damages caused by Discover Bank 2) damages caused by Unify Credit Union fka Western Federal Credit Union 4) damages by any other party does, 1-20  
fr. 4/16/19, 5/28/19, 6/25/19

Docket      1

**\*\*\* VACATED \*\*\*      REASON: Dismissed per order entered on 8/21/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by order entered on 8/21/19.  
No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez      Pro Se

**Defendant(s):**

Discover Bank      Pro Se

Unify Credit Union      Pro Se

Attorney Anerio Altman      Pro Se

Does 1-20      Pro Se

**Plaintiff(s):**

Arturo Gonzalez      Pro Se

**Trustee(s):**

Wesley H Avery (TR)      Represented By  
Brett B Curlee

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01248 Goodrich v. Blue District Distributors, LLC

- #11.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report, indicating that the parties had not had their initial meeting of counsel under LBR 7026-1. The parties should report if they have complied with LBR 7026-1. Set a discovery cutoff date of 1/31/20, order the matter to mediation with the parties selecting a mediator and an alternate by 10/31/19. Set a post-discovery status conference for 2/18/20 at 1:30 p.m. with a status report due to be filed on 2/11/20. Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Blue District Distributors, LLC

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

Weiland Golden Goodrich LLP

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01249 Goodrich v. Capital One Business Credit Corporation

**#12.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, stating that defendant has not responded to the complaint. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/14/20 at 1:30 p.m. with a status report due to be filed on 1/7/20. Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Capital One Business Credit

Pro Se

**Plaintiff(s):**

David M Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01250 Goodrich v. EBAY, Inc.

**#13.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, stating that defendant has not responded to the complaint, but the parties are exchanging information and plaintiff has granted defendant an informal extension of time to respond to the complaint. No tentative ruling on the merits. Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

EBAY, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01251 Goodrich v. Eghbali

**#14.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**\*\*\* VACATED \*\*\* REASON: Another summons issued on 8/29/19. Status conference reset for 11/5/19 at 1:30 p.m.- mb.**

**Tentative Ruling:**

Off calendar. Another summons was issued, and the status conference was reset for 11/5/19 at 1:30 p.m. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Michael Eghbali

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#15.00** Cont'd status conference re: Motion for order to show cause pursuant to Local Bankruptcy Rule 9020-1 why the debtor should not be held in contempt for violating a court order  
fr. 1/29/19, 2/26/19, 3/26/19

Docket 36

**Tentative Ruling:**

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-12016 MINSEOK LEE**

**Chapter 7**

Adv#: 2:19-01163 Starbucks Corporation v. Lee

**#16.00** Cont'd hearing re: Motion to dismiss adversary complaint by Starbucks Corporation  
fr. 7/30/19

Docket 9

**Tentative Ruling:**

Updated tentative ruling as of 10/1/19. Off calendar. The court granted the motion to dismiss by prior order, so this matter is concluded. No appearances are necessary.

Prior tentative ruling. Grant defendant's motion to dismiss for failure to state a claim upon which relief can be granted because the complaint does not put defendant on notice of what specifically he did or did not do in disclosing his income, assets or financial condition, and thus, the complaint does not state a plausible claim for relief. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). However, since this is the first complaint, the court will grant the motion to dismiss, but with leave to amend at least this one time for plaintiff to assert a plausible claim. Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Represented By  
Jaenam J Coe

**Plaintiff(s):**

Starbucks Corporation

Represented By  
Shayne Figgins  
Maria Keller

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... MINSEOK LEE**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-12016 MINSEOK LEE**

**Chapter 7**

Adv#: 2:19-01163 Starbucks Corporation v. Lee

**#17.00** Cont'd status conference re: Complaint and demand for jury trial  
fr. 8/13/19

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed the joint status report, indicating that defendant has filed a motion to dismiss the amended complaint noticed for hearing on 10/22/19 at 2:30 p.m. The court on its own motion continues the status conference to 10/22/19 at 2:30 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint since that matter will have an impact on the status of the adversary proceeding. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Pro Se

**Plaintiff(s):**

Starbucks Corporation

Represented By  
Shayne Figgins  
Maria Keller

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-14587 Rosalinda Montano**

**Chapter 7**

Adv#: 2:19-01241 Avery v. Montano

**#18.00** Status conference: Complaint for denial of debtor's discharge pursuant to 11 U.S.C. §§ 727(a)(2) and 727 (a)(4)

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed plaintiff's unilateral status report, stating that default has been entered against defendant and a motion for default judgment is noticed for hearing on 10/15/19 at 2:30 p.m. The court on its own motion continues the status conference to 10/15/19 at 2:30 p.m. to be conducted with the hearing on the motion for default judgment. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                   |        |
|-------------------|--------|
| Rosalinda Montano | Pro Se |
|-------------------|--------|

**Defendant(s):**

|                   |        |
|-------------------|--------|
| Rosalinda Montano | Pro Se |
|-------------------|--------|

**Plaintiff(s):**

|                 |                                    |
|-----------------|------------------------------------|
| Wesley H. Avery | Represented By<br>David M Goodrich |
|-----------------|------------------------------------|

**Trustee(s):**

|                     |                                    |
|---------------------|------------------------------------|
| Wesley H Avery (TR) | Represented By<br>David M Goodrich |
|---------------------|------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

Adv#: 2:19-01275 Avery v. Lee et al

**#19.00** Status conference re: Removal of state court action to federal bankruptcy court  
[Orange Country Superior Court case no. 30-2018-00965427-CU-OR-CJC]

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Defendant(s):**

Eui Jung Lee

Pro Se

Daniel H. You

Pro Se

Jin You

Pro Se

In Kyu Kang

Pro Se

Hye Kang

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
Laila Masud  
D Edward Hays

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-19679 Nora Magdalena Lavie**

**Chapter 7**

**#20.00** Status conference re: Involuntary petition

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/1/19 to 10/23/19 at 11:30  
a.m. per order entered on 9/25/19-mb.**

**Tentative Ruling:**

Off calendar. The court continued the hearing to 10/23/19 at 11:30 p.m. upon request/motion of petitioning creditor for continuance. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

Nora Magdalena Lavie

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

2:00 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#21.00** Cont'd hearing re: Motion to extend discovery deadlines and continue pre-trial conference pursuant to Fed. R. Civ. P. 16(b)(4) [Incorporated by Fed. R. Bankr. P. 7016] fr. 5/14/19

Docket 40

**\*\*\* VACATED \*\*\* REASON: Granted per order entered on 7/31/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. Off calendar. The motion was granted by order entered on 7/31/19. No appearances are required on 10/1/19.

Prior tentative ruling. No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 5/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#22.00** Cont'd pretrial conference re: Complaint to determine nondischargeability of debt (11 U.S.C. §§523(a)(2) and (a)(6))  
fr. 7/17/18, 1/29/19, 6/25/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/1/19 to 12/3/19 at 2:00 p.m.  
per stip & order entered on 7/31/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. Off calendar. Continued by stipulation and order to 12/3/19 at 2:00 p.m. No appearances are required on 10/1/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/18. Appearances are required on 5/16/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/23/18. Appearances are required on 4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits.  
Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits.  
Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits.  
Appearances are required on 11/29/17, but counsel may appear by telephone.

Updated tentative ruling as of 11/6/17. No tentative ruling on the merits.  
Appearances are required on 11/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits.  
Appearances are required on 7/26/17, but counsel may appear by telephone.

Updated tentative ruling as of 7/11/17. No tentative ruling on the merits.  
Appearances are required on 7/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/27/17, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#23.00** Pretrial conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs  
fr. 10/16/18, 1/29/19, 6/25/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss scheduling and possibility of mediation, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The status conference will be conducted with the hearings on the motions to dismiss and strike on the 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 7/16/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 7/17/18 at 2:30 p.m., the date and time of the hearings on defendant Curtis's motion to dismiss and defendant Ammec's motion to set aside default. Plaintiff to give written notice of continuance of status conference. No appearances are required on 7/10/18.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz

**Defendant(s):**

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-29526 Owen James Thornton**

**Chapter 7**

**#24.00** Hearing re: Motion by secured creditor Nevi Maddy objecting to the debtor's claimed homestead exemption in real property located at 2360 Lake View Ave., Los Angeles, CA 90039

Docket 27

**Tentative Ruling:**

No tentative ruling as of 9/30/19. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Owen James Thornton

Represented By  
James K Chang  
Steven A Alpert

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

2:30 PM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

Adv#: 2:15-01122 Howard Grobstein as Liquidating Trustee of L. Scot v. Sharron et al

**#25.00** Cont'd hearing re: Appearance and examination of judgment debtor Lowell Sharron as the designated representative of judgment debtor Beyond Basics LLC fr. 5/21/19, 7/16/19

Docket 194

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/19/19 at 2:30 p.m. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Defendant(s):**

Lowell S. Sharron

Represented By  
Lloyd S Mann

Beyond Basics, LLC dba Daily

Represented By  
Lloyd S Mann

**Plaintiff(s):**

Howard Grobstein as Liquidating

Represented By  
Brian L Davidoff  
Courtney E Norton  
Lori L Werderitch  
Keith Patrick Banner

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#26.00 Hearing re: 1. Motion for extension of time to file an appeal if one is necessary,  
2. Honorable Judge Kwan to take judicial notice that all of debtor's debt was non-dischargeable

Docket 457

\*\*\* VACATED \*\*\* REASON: Granted in part & denied in part, per order entered on 9/6/19-mb.

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, dispensed with it, took the motion under submission, vacated the hearing and issued an order ruling on the motion on the papers. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

**#27.00** Hearing re: Motion for: 1) motion to vacate judgement for irregularities; 2). notice of hearing on motion to vacate judgement for intentional misrepresentation by trustee; 3). notice of hearing motion to vacate judgement for intention al representation by debtor's former attorney; 4). notice of motion for fraud on the court; 5). notice of hearing to set aside until pending investigations of irregularities are concluded

Docket 466

**\*\*\* VACATED \*\*\* REASON: Per order entered on 9/12/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, dispensed with it, took the motion under submission, vacated the hearing and issued an order ruling on the motion on the papers. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By

Brett B Curlee

Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:16-01037 Avery v. Gonzalez

**#28.00** Hearing re: Motion 1. notice of hearing motion to vacate judgement for irregularities; 2. notice of hearing motion to vacate judgement for intentional misrepresentation by trustee; 3. notice of hearing motion to vacate judgement for intentional representation by debtor's former attorney; 4. notice of motion for fraud on the court; 5. notice of hearing to set aside until pending investigations of irregularities are concluded

Docket 177

**\*\*\* VACATED \*\*\* REASON: Per order entered on 9/12/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, dispensed with it, took the motion under submission, vacated the hearing and issued an order ruling on the motion on the papers. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Plaintiff(s):**

|                 |                                  |
|-----------------|----------------------------------|
| Wesley H. Avery | Represented By<br>Brett B Curlee |
|-----------------|----------------------------------|

**Trustee(s):**

|                     |   |
|---------------------|---|
| Wesley H Avery (TR) | Represented By<br>Brett B Curlee<br>Dennis E McGoldrick |
|---------------------|---|



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 1, 2019

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:18-01371 Gonzalez v. Discover Bank et al

**#29.00** Hearing re: 1. Motion for extension of time to file an appeal if one is necessary; 2. Honorable Judge Kwan to take judicial notice that all of debtor's debt was non-dischargeable; 3. Honorable Judge Kwan to determined if the claims filed by unsecured creditors namely discover and unify were time barred.

Docket 78

**\*\*\* VACATED \*\*\* REASON: Granted in part & denied in part, per order entered on 9/6/19-mb.**

**Tentative Ruling:**

Off calendar. The court determined that oral argument was unnecessary, dispensed with it, took the motion under submission, vacated the hearing and issued an order ruling on the motion on the papers. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Defendant(s):**

|               |                                 |
|---------------|---------------------------------|
| Discover Bank | Represented By<br>Holly J Nolan |
|---------------|---------------------------------|

|                    |                                |
|--------------------|--------------------------------|
| Unify Credit Union | Represented By<br>Brett P Ryan |
|--------------------|--------------------------------|

|                        |        |
|------------------------|--------|
| Attorney Anerio Altman | Pro Se |
|------------------------|--------|

|           |        |
|-----------|--------|
| Does 1-20 | Pro Se |
|-----------|--------|

**Plaintiff(s):**

|                 |        |
|-----------------|--------|
| Arturo Gonzalez | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |                |
|---------------------|----------------|
| Wesley H Avery (TR) | Represented By |
|---------------------|----------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Arturo Gonzalez**

Brett B Curlee  
Dennis E McGoldrick

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-14555 Joseph Burns Wright and Maureen Elizabeth Wright**

**Chapter 7**

**#30.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Peter J. Mastan, Chapter 7 Trustee]

Docket 51

**Tentative Ruling:**

Approve final report and fee application of trustee for the reasons stated in the final report and for lack of timely written objection. Appearances are optional on 10/1/19, but counsel and trustee may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Joseph Burns Wright

Represented By  
David H Chung

**Joint Debtor(s):**

Maureen Elizabeth Wright

Represented By  
David H Chung

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#31.00** Hearing re: Motion of Salvato Law Offices to withdraw as counsel for debtor

Docket 82

**Tentative Ruling:**

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 1, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10326 Javier Garcia and Deanna Garcia**

**Chapter 7**

**#32.00** Cont'd hearing re: Motion to convert case from Chapter 7 to 13  
fr. 8/13/19

Docket 33

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. Based on the court's approval of the settlement between debtors and trustee, the parties agreed to stipulate to dismiss or withdraw the motion to convert. Appearances are required on 10/1/19 to report on when the motion will be withdrawn or dismissed, but counsel may appear by telephone.

Revised tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/1/19 at 2:30 p.m. No appearances are required on 8/13/19.

Prior tentative ruling. Treat motion to convert as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings, including discovery. Appearances are required on 8/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Javier Garcia

Represented By  
Sam Benevento

**Joint Debtor(s):**

Deanna Garcia

Represented By  
Sam Benevento

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15652 Dale Alfred Williams**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/3/19, 7/17/19, 8/28/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/11/19 at 11:00 a.m. No appearances are required on 10/2/19.

Prior tentative ruling as of 8/26/19. Off calendar. Continued by stipulation and order to 10/2/19 at 11:00 a.m. No appearances are required on 8/28/19.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/2/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 7/3/19.

Prior tentative ruling as of 4/30/19. Appearances are required to discuss scheduling of further proceedings, including Phase 2 of the trial. Appearances are required on 5/1/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Dale Alfred Williams

Represented By

James E Till

Mike D Neue

William N. Lobel

Rika Kido

Leonard M Shulman

**Movant(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Dale Alfred Williams**  
Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26583 Dalton Evonne Grant**

**Chapter 11**

**#2.00** Status conference re: Post confirmation of plan  
fr. 2/27/19, 3/27/19, 5/29/19

Docket 68

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits.  
Appearances are required on 10/2/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dalton Evonne Grant

Represented By  
David I Brownstein



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#3.00** Cont'd status conference re: Motion for contempt  
fr. 8/20/19, 8/21/19

Docket 205

**Tentative Ruling:**

Updated tentative ruling as of 10/1/19. No tentative ruling on the merits.  
Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#4.00** Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution  
fr. 1/30/19, 5/8/19, 8/21/19

Docket 103

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on 11/28/18.

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**  
on 11/14/18.

**Chapter 11**

Prior tentative ruling as of 11/5/18. Off calendar. Continued on the court's own motion to 11/14/18 at 11:00 a.m. No appearances are required on 11/7/18.

Prior tentative ruling. Continued on the court's own motion by written order to 11/7/18 at 10:00 a.m. No appearances are required on 10/24/18.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#5.00** Cont'd status conference re: Management of chapter 11 case  
fr. 1/30/19, 5/8/19, 8/21/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits.  
Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits.  
Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation  
and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits.  
Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status  
report. No tentative ruling on the merits. Appearances are required on  
10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The  
proposed claims bar date of 5/15/18 will not be approved since this court  
generally requires at least 60 days notice to creditors of a claims bar date.  
The estimated administrative expenses in this case stated in the status report  
for \$250,000 to \$350,000 seem high, especially since debtors' budget motion  
and income and expense statements showing net income of about \$1,700 per  
month do not show that debtors have the ability to afford such expenses.  
There should be some explanation why the large amount of professional fee  
expenses estimated in the status report are needed in this case, and how  
debtors will be able to pay for these expenses (i.e., are they selling their real

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11**  
property to raise funds to pay for these fees). Appearances are required on  
4/11/18, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

**#6.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 1/30/19, 5/8/19, 8/21/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Shahriar Joseph Zargar**

**Chapter 11**

**Defendant(s):**

Shahriar Joseph Zargar Pro Se

Shabnam Mesachi Pro Se

**Joint Debtor(s):**

Shabnam Mesachi Represented By  
Ashley M McDow

**Plaintiff(s):**

Behrouz Shadsirat Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13300 The 17/21 Group, LLC**

**Chapter 11**

**#7.00** Hearing re: Second and final application of Ramsaur Law Office, counsel to chapter 11 debtor, for compensation, Period: 9/1/2018 to 9/11/2019, Fee: \$57,752.50, Expenses: \$3,996.99.

Docket 97

**Tentative Ruling:**

Approve second and final fee application of general bankruptcy counsel for debtor in possession for the reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/2/19, but counsel may appear by telephone. Counsel to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

The 17/21 Group, LLC

Represented By  
Brett Ramsaur



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#8.00** Cont'd status conference re: Management of chapter 11 case  
fr. 10/24/18, 2/6/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits.  
Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:30 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#9.00** Cont'd pretrial conference re: Debtor's motion to disallow claims of Cindy S. Magleby (claim numbers 13, 7, and 12) fr. 4/23/19, 6/12/19, 8/14/19

Docket 390

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 2, 2019**

**Hearing Room 1675**

11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. In the papers filed by debtor and creditor Cindy Magleby in response to the court's order to show cause re: dismissal or conversion, although these parties did not agree on whether the case should be dismissed, they both indicated a willingness to have the family law court adjudicate the merits of Mrs. Magleby's claims as well as other family law issues with possible availability for trial in June 2019. There is also a possibility of further settlement efforts in the family law court as indicated by counsel for Mrs. Magleby as reflected in the transcript of hearing before that court in December 2019. The court encourages the parties to pursue their settlement discussions with the family law court and is amenable to having the family law court adjudicate the merits of Mrs. Magleby's claims if this is supported by the parties and the availability of that court to try these matters expeditiously. In that regard, the court would consider a proposed stipulated order clarifying stay relief to allow the family law court to try the claims and issues agreed upon by the parties, including the claims being objected to in this contested matter. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.

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**Hearing Room 1675**

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11:30 AM

**CONT... Curtis C. Magleby**

**Chapter 11**

Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Updated tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Updated tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed the unilateral pretrial statements of the parties, which are incomplete and inadequate and will not be approved. The "statements" should be a joint pretrial stipulation, and they lack the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court notes that claimant has a pending motion for abstention on her claims set for hearing on 3/21/18. If the court abstains, this itself will not postpone plan confirmation proceedings because the parties may request the court to estimate the claims for voting on plan confirmation. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

Prior tentative ruling. Treat as contested matter under FRBP 9014 because the declarations of the witnesses in support of the moving and opposing papers raise material issues of fact to be resolved in an evidentiary hearing. Treat the hearing on 12/13/17 as a status conference to set a pretrial and trial

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**CONT... Curtis C. Magleby**

**Chapter 11**

schedule. The court will not take testimony from witnesses on a law and motion hearing calendar on 12/13/17, and the parties may not call their witnesses to testify on 12/13/17. If any party believes that there are no genuine issues of material fact and the party is entitled to judgment as a matter of law, that party may seek summary judgment upon a proper motion brought pursuant to FRBP 7056 and 9014 and LBR 7056-1. If claimant believes that the court should permissively abstain from hearing this contested matter, then she should bring a proper motion for abstention rather than raising the request in her opposition to the objection. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). However, it seems to the court that it could properly hear the objection to claim as a core proceeding under 28 U.S.C. 157(b)(2)(B) and not abstain under *In re Conejo Enterprises, Inc.*, 96 F.3d 346 (9th Cir. 1996). Appearances are required on 12/13/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#10.00** Cont'd hearing re: Disclosure statement  
fr. 4/23/19, 6/12/19, 8/14/19

Docket 174

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/13/19. According to debtor, the hearing on the disclosure statement should be continued for him to make revisions. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits.  
Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar.  
Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

No updated tentative ruling as of 8/7/18. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/30/18. Off calendar. The court on its own motion continues the hearing to 8/8/18 at 11:00 a.m. No appearances are required on 8/1/18.

Updated tentative ruling as of 6/25/18. No tentative ruling on the merits.  
Appearances are required on 6/27/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.  
Appearances are required on 5/8/18, but counsel may appear by telephone.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 5/1/18. No tentative ruling on the merits. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Revised tentative ruling as of 3/6/18. The court has reviewed debtor's status update and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 3/7/18 to discuss scheduling and the the impact of treatment on creditor Cindy Magleby's claims for plan voting and abstention among other things, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. The court notes that debtor filed a second amended disclosure statement on 1/30/18, 8 days before the further hearing on 2/7/18. Creditor Banc of California filed a response on 1/31/18 objecting to debtor's noticing approval of the amended disclosure statement for the hearing on 2/7/18, citing the court's oral ruling that creditors should be given 3 weeks notice of hearing on an amended disclosure statement. Appearances are required on 2/7/18 to discuss scheduling of further proceedings, including adequate time for creditors to respond to debtor's second amended disclosure statement and a scheduling of a further hearing on debtor's second amended disclosure statement to allow for review and comment by creditors and interested parties, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. The court has reviewed debtor's status report. Appearances are required on 11/29/17 to discuss scheduling of further proceedings, including filing date for debtor's second amended disclosure statement, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but



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**CONT...**     **Curtis C. Magleby**  
counsel may appear by telephone.

**Chapter 11**

Prior tentative ruling. Debtor in his status report filed on 2/22/17 indicated that he and his counsel are working on revising and amending the original disclosure statement to include a revised and updated liquidation analysis and taking into account resolutions of claims of creditors, including First Republic Bank (however, the court notes that it disapproved without prejudice the stipulation resolving claim of First Republic Bank in light of objection of creditor Cindy Magelby since it appears that debtor will need to bring a FRBP 9019 motion). Appearances are required on 3/1/17 regarding scheduling of further proceedings for an amended and revised disclosure statement, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

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**2:16-15322 Curtis C. Magleby**

**Chapter 11**

Adv#: 2:16-01259 Magleby v. Magleby

- #11.00** Cont'd pretrial conference re: Complaint to recover property of the estate and for turnover of property of the estate pursuant to section 542(a) of the United States Bankruptcy Code, 11 U.S.C. §542(a)  
fr. 4/23/19, 6/12/19, 8/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/13/19. According to debtor, the status conference should be continued in light of the trial in the marital dissolution action scheduled in December 2019. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/22/19. No tentative ruling on the merits. Appearances are required on 4/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/9/19. No tentative ruling on the merits. Appearances are required on 4/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

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**CONT... Curtis C. Magleby**

**Chapter 11**

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. If debtor's motion to sell real property is granted, the court should probably set a final hearing on turnover to address issues relating to the sale unless the parties agreeing to conditions of turnover post-sale. Appearances are required on 2/27/19.

Prior tentative ruling as of 12/18/18. No tentative ruling on the merits. Appearances are required on 12/19/18 to discuss status of representation of creditor Cindy Magleby in light of the pending motion to withdraw of her current bankruptcy counsel, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. Off calendar. The court on its own motion continues the hearing in light of the pending motion of counsel for creditor Cindy Magleby to withdraw and of the need for the assigned judge to recover from recently scheduled but urgent dental surgery scheduled for 12/13/18. The hearing will be continued to 12/19/18 at 11:00 a.m. as a status conference to discuss the impact of the pending motion of counsel for creditor to withdraw and for rescheduling. No appearances are required on 12/13/18.

Revised and updated tentative ruling as of 11/13/18. Off calendar. Continued on the court's own motion by separate order to 11/29/18 at 1:30 p.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 8/7/18. The parties filed unilateral pretrial statements rather than a joint pretrial statement. Before the court imposes monetary sanctions of \$250 against the culpable party/ies for failing to file a joint pretrial statement as required by LBR 7016-1, the court will afford the parties an opportunity to complete and file a joint pretrial statement as required and intends to continue the pretrial conference for this purpose. Appearances are required on 8/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits. Appearances are required on 5/8/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/1/18. The court has reviewed defendant's unilateral pretrial statement, which is incomplete and inadequate and will not

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**CONT... Curtis C. Magleby**

**Chapter 11**

be approved. The "statement" should be a joint pretrial stipulation, and it lacks the exhibit lists of the parties and objections to exhibits thereto. Appearances are required on 5/2/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/19/18. No tentative ruling on the merits. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/5/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/5/18. No tentative ruling on the merits. Appearances are required on 2/7/18, but counsel may appear by telephone.

No updated tentative ruling as of 11/28/17. Appearances are required on 11/29/17, but counsel may appear by telephone.

No updated tentative ruling as of 9/25/17. Appearances are required on 9/27/17, but counsel may appear by telephone.

No updated tentative ruling as of 7/24/17. Appearances are required on 7/26/17, but counsel may appear by telephone.

Prior tentative ruling as of 5/22/17. Appearances are required on 5/24/17, but counsel may appear by telephone.

Prior tentative ruling as of 2/28/17. No tentative ruling on the merits. Appearances are required on 3/1/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/23/17. No tentative ruling on the merits. Appearances are required on 1/25/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/14/16. No tentative ruling on the merits. Appearances are required on 11/16/16, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16, but counsel may appear by telephone.

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11:30 AM

CONT... Curtis C. Magleby

Chapter 11

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy  
Illyssa I Fogel

**Defendant(s):**

Cindy Magleby

Pro Se

**Plaintiff(s):**

Curtis C. Magleby

Represented By  
Alan F Broidy

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

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11:30 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#12.00** Cont'd hearing re: Motion of GemCap Lending I, LLC to alter or amend the sale order pursuant to Bankruptcy Rule 9023, or in the alternative, for relief from the sale order pursuant to Bankruptcy Rule 9024  
fr. 8/20/19, 9/10/19

Docket 323

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/2/19 to 11/5/19 at 2:30 p.m.  
per stip & order entered on 9/19/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/5/19 at 2:30 p.m. No appearances are required on 10/2/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, October 2, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century Chapter 11**  
Adv#: 2:15-01679 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#13.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims  
fr. 5/15/19, 5/29/19, 7/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/2/19 to 11/21/19 at 1:30 p.m.  
per stip & order entered on 9/27/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 9/30/19. Off calendar. Continued by stipulation and order to 11/21/19 at 1:30 p.m. No appearances are required on 10/2/19.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Off calendar. The court on its own motion continues the status conference to 7/17/19 at 1:30 p.m., which was another date and time set for the status conference for all defendants. No appearances are required on 7/16/19.

Prior tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other pretrial proceedings. Appearances are required on 3/13/19, but counsel

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**CONT... Art and Architecture Books of the 21st Century**  
may appear by telephone.

**Chapter 11**

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits.  
Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but  
counsel may appear by telephone. No tentative ruling on the state of  
discovery, except regarding 400 S. La Brea, LLC's submission of documents  
for *in camera* review:

| <b>Document</b>   | <b>Tentative Ruling</b>  |
|---|--|
| 400 S. La Brea, LLC's 2015<br>Balance Sheet                 | Deny disclosure. Submission includes<br>confidential commercial information, the<br>disclosure of which would impose a<br>burden on 400 S. La Brea that outweighs<br>any benefit to the Plaintiff because the<br>information is irrelevant to Plaintiff's claim.<br>See Fed. R. Civ. P. 26(b)(1),<br>45(d)(3)(B)(i). |
| 400 S. La Brea, LLC's 2016<br>Balance Sheet                 |  |
| 400 S. La Brea, LLC's 2016 Income<br>Statement              |  |
| 400 S. La Brea, LLC's 2016 Federal<br>and State Tax Returns |  |
| 2012 Appraisal of the Subject<br>Property                   | Order disclosure, subject to redaction of<br>"confidential commercial information."  |
| 2013 Appraisal of the Subject<br>Property                   |  |



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**CONT...**

**Art and Architecture Books of the 21st Century**

**Chapter 11**

|  |   |
|--|---|
| 2017 Appraisal of the Subject Property<br><br>Technical Review of the 2017 Appraisal of the Subject Property | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
|--|---|

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated

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1:30 PM

**CONT...**      **Art and Architecture Books of the 21st Century**      **Chapter 11**  
motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits.  
Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation,

Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Friday, October 4, 2019

Hearing Room 1675

9:00 AM

2:18-12224 Raesi Group, Inc

Chapter 11

**#1.00** TRIAL RE: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 5/8/19, 6/26/19, 7/31/19

Docket 115

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/4/19 to 11/15/19 at 9:00 a.m. per order entered on 10/2/19-mb.**

**Courtroom Deputy:**

**[Cont'd from 10/4/19 to 11/15/19 at 9:00 a.m. per order entered on 10/2/19]**

**Tentative Ruling:**

Revised tentative ruling as of 10/2/19. Off calendar. Continued by stipulation and order to 11/15/19 at 9:00 a.m. No appearances are required on 10/4/19.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19.

Prior tentative ruling. Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust, which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007).

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Friday, October 4, 2019

Hearing Room 1675

9:00 AM

CONT...

**Raesi Group, Inc**

**Chapter 11**

The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the reacted matter is privileged. Debtor as the objecting party must carry its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky, 2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

**Party Information**

**Debtor(s):**

Raesi Group, Inc

Represented By

Christopher P Walker

**Movant(s):**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, October 4, 2019**

**Hearing Room 1675**

9:00 AM

**CONT... Raesi Group, Inc**  
Raesi Group, Inc

Represented By  
Christopher P Walker

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(Wells Fargo Bank, N.A. VS Debtor)  
fr. 8/27/19

Docket 15

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. Off calendar. Continued by stipulation and order to 12/10/19 at 10:30 a.m. No appearances are required on 10/8/19.

Prior tentative ruling. The hearing is continued by stipulation and order to 10/8/19 at 10:30 a.m. The order further provides that because service of the moving papers was deficient because movant has not served a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d), movant was ordered to comply with the rule and serve a judge's copy of its moving papers with separately tabbed exhibits within 7 days of the date of entry of the order. No appearances are required on 8/27/19.

**Party Information**

**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB dba Christiana Trust VS Debtor)

Docket 55

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Grant request for extraordinary relief in paragraph 10 for in rem relief as to the property for 180 days.

Deny relief from stay under 11 U.S.C. 362(d)(4) since extraordinary relief granted in paragraph 10 addresses movant's concern for in rem relief, that the involuntary petition was filed to hinder or delay creditors is the fault of the petitioning creditor, not the alleged debtor, that the alleged debtor would be penalized for the conduct of the petitioning creditor and that the state court receiver with the support of the alleged debtor is seeking to sell the property through the state court receivership in a pending sale.

The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Reyna Maria Taylor**

Steven M Mayer

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18376 Michael Taylor Mundy**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Greystone Management Group, Inc VS Debtor)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2), including retroactive annulment of stay, to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Michael Taylor Mundy Pro Se

**Movant(s):**

Greystone Management Group, Inc. Represented By  
Agop G Arakelian

**Trustee(s):**

Edward M Wolkowitz (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19124 KSG Investments, LLC**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(LendingHome Funding Corp. VS Debtor)

Docket 10

**Tentative Ruling:**

Deny as moot because the bankruptcy case was dismissed on 9/10/19.  
Appearances are optional on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

KSG Investments, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19877 Luis Gutierrez Rangel**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Luis Gutierrez Rangel

Represented By  
Yelena Gurevich

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20004 Andre A Pierre and Desery Pierre**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(MAS Financial Services VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Andre A Pierre

Represented By  
Kevin Tang

**Joint Debtor(s):**

Desery Pierre

Represented By  
Kevin Tang

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#7.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 5/7/19, 5/29/19, 7/30/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. No tentative ruling on the merits. Plaintiff to discuss the status of assignment of the judgment to Ms. Lollar or a motion for reconsideration on denial of plaintiff's motion for summary judgment or a renewed motion for summary judgment. The court intends to set a pretrial conference in about 90 days in January 2020 and then set the matter for trial at the pretrial conference. Appearances are required on 10/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Defendant(s):**

|                             |        |
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| Mary Katherine Cummins-Cobb | Pro Se |
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**Plaintiff(s):**

|                     |                                     |
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| Konstantin Khionidi | Represented By<br>Philip H Stillman |
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**Trustee(s):**

|                     |        |
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| Peter J Mastan (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 8, 2019

Hearing Room 1675

1:30 PM

2:18-11475 Catherine Trinh

Chapter 11

**#8.00** Cont'd hearing re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee  
fr. 6/5/19

Docket 291

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/8/19 to 2/19/20 at 11:00 a.m.  
per stip & order entered on 9/13/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/8/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are material issues of disputed fact. Parties should be prepared to discuss an appropriate schedule of pretrial and trial proceedings. Appearances are required on 6/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01258 Goodrich v. Yeftadonay

**#9.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Jan Yeftadonay

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01259      Goodrich v. Kabbage, Inc.

**#10.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket      1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Kabbage, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01260 Goodrich v. Marganian

**#11.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Shahram Marganian

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01261 Goodrich v. Paypal, Inc.

**#12.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Paypal, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01262      Goodrich v. Pacific City Bank

**#13.00**      Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket      1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Pacific City Bank

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01263      Goodrich v. Rotana Electronics, Inc.

**#14.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket      1

**Tentative Ruling:**

The court has reviewed the joint status report. Defendant should indicate whether or not it would agree to mediation of this dispute. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Rotana Electronics, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... SOCALDEAL INC**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01264 Goodrich v. U.S. Games Distribution, Inc.

**#15.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

U.S. Games Distribution, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01265      Goodrich v. Visa U.S.A. Inc.

**#16.00**      Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket      1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Visa U.S.A. Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01266 Goodrich v. YAEL, LLC

**#17.00** Status conference re: Complaint for: (1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; (2) Recovery of property pursuant to 11 U.S.C. § 550; (3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; (4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and (5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report, indicating that defendant has not responded to the complaint. Plaintiff should indicate when he intends to file a motion for default judgment since this is a default situation. Set a discovery cutoff date of 12/31/19, and set a post-discovery status conference for 1/28/20 at 1:30 p.m. with a status report due to be filed on 1/21/20. Appearances are required on 10/8/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

YAEL, LLC

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

**Chapter 7**

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21855 Michael Richard Shapiro**  
Adv#: 2:19-01009 Vechery v. Shapiro

**Chapter 7**

**#18.00** Cont'd status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 3/26/19, 5/14/19, 7/30/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 10/7/19. The court has reviewed modified joint status report. Set a discovery cutoff date of 3/31/20, and a post-discovery status conference on 4/28/20 at 1:30 p.m. with a joint status report due on 4/21/20. Defendant should address why the matter is not amenable to mediation. Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling in light of the pending motion to dismiss the second amended complaint. The court will hear argument on the motion to dismiss at the same time as the status conference on the 1:30 p.m. calendar. Appearances are required on 7/30/19 at 1:30 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/14/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Michael Richard Shapiro

Represented By  
Charles Shamash  
Joseph E. Caceres

**Defendant(s):**

Michael Richard Shapiro

Pro Se

**Plaintiff(s):**

Harvey Vechery

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Michael Richard Shapiro**

**Chapter 7**

Tom Lallas  
Mark D Hurwitz

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01102 Sunderland et al v. Okland

**#19.00** Cont'd status conference re: Complaint for: (1)-(3) exception to discharge of certain debts [11 U.S.C. §§523(a)(2)(A),(4) and (6); (4)-(7) denial of discharge as to all debts [11 U.S.C. §§727(a)(2)-(5)]  
fr. 6/11/19, 8/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. The court has reviewed the joint status report, stating that defendant's counsel has been unable to communicate with his client and may have to file a motion to withdraw. Appearances are required on 10/8/19 to discuss the status of counsel's efforts to communicate with defendant and whether a motion to withdraw will be filed, but counsel may appear by telephone.

Prior tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/8/19 at 1:30 p.m. No appearances are required on 8/13/19.

Prior tentative ruling. The court has reviewed plaintiffs' unilateral status report and notes that plaintiffs resubmitted a request for entry of default on 6/7/19. The court on its own motion continues the status conference to 8/13/19 at 1:30 p.m. in order for plaintiffs' request for entry of default be considered by the court and for plaintiffs to prepare and file a motion for entry of default judgment. No appearances are required on 6/11/19.

**Party Information**

**Debtor(s):**

Dean Henrik Okland

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Defendant(s):**

Dean Henrik Okland

Represented By

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Dean Henrik Okland**

**Chapter 11**

**Plaintiff(s):**

Jennifer Sunderland

Represented By  
Kimberly Wright

James Farrow

Represented By  
Kimberly Wright

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 8, 2019

Hearing Room 1675

2:30 PM

2:15-10768 Brian J Cook

Chapter 7

Adv#: 2:15-01323 Franowicz et al v. Cook

#20.00 Hearing re: Motion for order awarding attorney's fees and costs to plaintiff

Docket 130

\*\*\* VACATED \*\*\* REASON: Cont'd from 10/8/19 to 1/22/20 at 1:30 p.m.  
per order entered on 10/1/19-mb.

**Tentative Ruling:**

Off calendar. Continued to 1/22/20 at 1:30 p.m. by prior order. No appearances are required on 10/8/19.

**Party Information**

**Debtor(s):**

Brian J Cook

Represented By  
Rex Tran  
Theresa J Macellaro  
Rosaline S Ayoub

**Defendant(s):**

Brian J Cook

Pro Se

**Joint Debtor(s):**

Victoria Velasquez Cook

Represented By  
Andrew Goodman  
Yi S Kim  
Robert D Bass  
Rex Tran  
Theresa J Macellaro

**Plaintiff(s):**

Larissa Gallagher

Represented By  
James Andrew Hinds Jr  
Brian Barouir Yeretian  
Paul R Shankman  
Rachel M Sposato

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Brian J Cook**

**Chapter 7**

Edward Franowicz

Represented By

James Andrew Hinds Jr

Brian Barouir Yeretzian

Paul R Shankman

Rachel M Sposato

**Trustee(s):**

Heide Kurtz (TR)

Represented By

Lei Lei Wang Ekvall

Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 8, 2019

Hearing Room 1675

2:30 PM

**2:18-15532 Jose M BENITEZ and Cinthia BENITEZ**

**Chapter 7**

**#21.00** Hearing re: Chapter 7 trustee's motion for order: (1) authorizing sale of estate's right, title and interest in real property free and clear of liens of the Internal Revenue Service; (2) approving overbid procedure; (3) approving payment of commissions; (4) finding purchasers are good faith purchasers; and (5) waiving stay under rule 6004(h)

Docket 82

**Tentative Ruling:**

Grant trustee's motion to sell property free and clear of liens for the reasons stated in the moving papers and for lack of timely written opposition, except limited opposition of U.S. Bank. Approve overbidding procedures. No tentative ruling on request for finding purchasers as ones in good faith pursuant to 11 U.S.C. 363(m) in light of possible overbidding. Appearances are required on 10/8/19 to conduct an auction if qualifying overbidders, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Jose M BENITEZ

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Cinthia BENITEZ

Represented By  
Douglas A Crowder

**Trustee(s):**

Timothy Yoo (TR)

Represented By  
Carmela Pagay  
Levene, Neale, Bender, Yoo & Brill LLP



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#22.00** Cont'd hearing re: Motion for relief from stay  
(U.S. Bank Trust, N.A. VS Debtor)  
fr. 7/16/19, 9/17/19

Docket 63

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. No tentative ruling on the merits.  
Appearances are required on 10/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/16/19. Appearances are required on 9/17/19, but  
counsel may appear by telephone.

Prior tentative ruling. No tentative ruling in light of the trustee's opposition to  
the motion. Appearances are required on 7/16/19 to discuss scheduling of  
further proceedings, including setting an evidentiary hearing on valuation, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|                    |        |
|--------------------|--------|
| Dean Henrik Okland | Pro Se |
|--------------------|--------|

**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Howard M Ehrenberg (TR) | Pro Se |
|-------------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#23.00** Cont'd hearing re: Motion for relief from stay  
(Pacific Western Bank VS Debtor)  
fr. 9/17/19

Docket 84

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. No tentative ruling on the merits.  
Appearances are required on 10/9/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling on the merits in light of the trustee's  
opposition to the motion. Appearances are required on 9/17/19 to discuss  
scheduling of further proceedings, including setting an evidentiary hearing on  
valuation, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#24.00** Hearing re: Amended motion for order: (1) Approving real estate purchase agreement; (2). Approving overbid procedures; (3). Approving sale to buyer, successful bidder, and backup bidder as good faith purchasers

Docket 90

**Tentative Ruling:**

Updated and revised tentative ruling as of 10/8/19. Grant trustee's motion to approve real estate purchase agreement, overbid procedures and "carve-out" provision, including sale free and clear of liens, claims and interests pursuant to 11 U.S.C. 363(f)(2) based on consent of affected lienholders, including Hill Collections, LLC, based on stipulation filed on 10/7/19 between trustee and that entity resolving the opposition to sale by that entity, for the reasons stated in the moving papers and for lack of outstanding timely written opposition to motion. No tentative ruling on finding purchaser and back-up bidder as good faith purchasers pursuant to 11 U.S.C. 363(m) pending overbidding. Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/19. In his papers, trustee failed to cite and address applicable Ninth Circuit BAP case precedent in Clear Channel Outdoor, Inc. v. v. Knupfer (In re PW, LLC), 391 B.R. 25 (9th Cir. BAP 2008), which holds that in order to meet 11 U.S.C. 363(f)(3), the value of all liens, and not just "out of the money" liens, must be considered, and to meet 11 U.S.C. 363(f)(5), there must be a showing that the lienholder could be compelled in a legal or equitable proceeding to accept a money satisfaction of such interest, which does not include a cramdown under 11 U.S.C. 1129(b) (2). It also appears that the district court in this district follows the Clear Channel rule in In re Hassan Imports Partnership, 502 B.R. 851 (C.D. Cal. 2013), and the trustee has not shown how the court can grant the motion with contrary authority which may be controlling. Trustee in his reply argues that the sale meets 11 U.S.C. 363(f)(3) on grounds that Hill Collections is not a secured creditor and its lien should be disregarded because the judgment lien is only as to debtor and not to his nondebtor spouse who is also a trustee of the revocable living trust that owns the subject property. It does not appear

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 8, 2019

Hearing Room 1675

2:30 PM

CONT...

**Dean Henrik Okland**

**Chapter 7**

that the trustee may contest the secured claim of Hill Collections because its proof of claim is not objected to and is prima facie correct under FRBP 3001(f). The factual record is inadequate to show that Hill Collections is not properly secured since there is no analysis of California law affecting revocable living trusts and community property. If the subject property is community property, despite it being held by a revocable living trustee, it may well be subject to the judgment lien against one spouse. None of this is briefed. As to 11 U.S.C. 363(f)(5), the trustee does not cite the legal or equitable proceeding under California or other law as to how Hill Collections can be compelled to accept a money satisfaction of its interest.

Hill Collections does not specifically address the cases cited by the trustee that a foreclosure sale may force it to accept a money satisfaction for purposes of 11 U.S.C. 363(f)(5). In re Jolan, Inc., 403 B.R. 866 (Bankr. W.D. Wash. 2009) (applying Washington law); In re Boston Generating, LLC, 440 B.R. 302 (Bankr. S.D. N.Y. 2010). Both of these cases expressly decline to follow Clear Channel. Neither Clear Channel nor Hassan Imports expressly addresses the remedy of foreclosure sale which forecloses out a junior lien as constituting a qualifying legal or equitable proceeding under 11 U.S.C. 363(f)(5). Clear Channel did not appear to discuss judicial or nonjudicial foreclosure, and Hassan Imports involved an equitable servitude as opposed to a junior consensual lien. Does the court have to follow Clear Channel and/or Hassan Imports?

As to the parties' arguments as to a meaningful distribution to creditors, how much would it take to have a meaningful distribution under In re KVN Corp., Inc., 514 B.R. 1 (9th Cir. BAP 2014)? Hill Collections says the proposed distribution is insufficient; the trustee says it is.

Appearances are required on 10/8/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 8, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**Dean Henrik Okland**

Jeffrey S Shinbrot

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 2/27/19, 6/26/19, 7/31/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. No tentative ruling on the merits.  
Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26820 SK Vision LLC**

**Chapter 11**

**#2.00** Hearing re: Motion for an order of final decree, discharge and closing of case

Docket 146

**Tentative Ruling:**

Grant motion for final decree for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 10/9/19, but counsel may appear by telephone. Debtor to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

SK Vision LLC

Represented By  
Aurora Talavera

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 9, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-26820 SK Vision LLC**

**Chapter 11**

**#3.00** Cont'd status conference re: Post confirmation of plan  
fr. 12/19/18, 5/1/19, 9/18/19

Docket 109

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. No tentative ruling in light of the pending motion for final decree. Since the court's tentative ruling is to grant the motion for final decree, appearances are optional on 10/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/16/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/30/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/1/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

SK Vision LLC

Represented By  
Aurora Talavera



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-11827 Leslie Florence Taylor**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between Debtor and ONEMAIN FINANCIAL**

Docket 66

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Leslie Florence Taylor

Represented By  
Gregory Grigoryants

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-15541 Julio Castro and Lizeth Castro**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor and ONEMAIN FINANCIAL**

Docket 15

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

|              |        |
|--------------|--------|
| Julio Castro | Pro Se |
|--------------|--------|

**Joint Debtor(s):**

|               |        |
|---------------|--------|
| Lizeth Castro | Pro Se |
|---------------|--------|

**Trustee(s):**

|                         |        |
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| Howard M Ehrenberg (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-15595 Martin Maurice Davis and Erica Jane Leeson**

**Chapter 7**

**#3.00 Reaffirmation Agreement Between Debtor and Ally Bank**

Docket 18

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

|                      |        |
|----------------------|--------|
| Martin Maurice Davis | Pro Se |
|----------------------|--------|

**Joint Debtor(s):**

|                   |        |
|-------------------|--------|
| Erica Jane Leeson | Pro Se |
|-------------------|--------|

**Trustee(s):**

|                   |        |
|-------------------|--------|
| Sam S Leslie (TR) | Pro Se |
|-------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16014 Eddie Lopez**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between Debtor and Exeter Finance LLC**

Docket 15

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Eddie Lopez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16363 Jerren Scott Cokley and Lashannda Lynne Cokley**

**Chapter 7**

**#5.00 Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A.**

Docket 15

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jerren Scott Cokley

Represented By  
Arlene M Tokarz

**Joint Debtor(s):**

Lashannda Lynne Cokley

Represented By  
Arlene M Tokarz

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16450 Thomas Joseph West and Meg Meghesik Alexandrian**

**Chapter 7**

**#6.00 Reaffirmation Agreement Between Debtor and Westlake Financial Services**

Docket 10

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Thomas Joseph West

Represented By  
Michael E Clark

**Joint Debtor(s):**

Meg Meghesik Alexandrian

Represented By  
Michael E Clark

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16474 Alfred Medrano**

**Chapter 7**

**#7.00 Reaffirmation Agreement Between Debtor and U.S. Bank National Association**

Docket 8

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Alfred Medrano

Represented By  
Barry E Borowitz

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16518 Jenny C Trejo**

**Chapter 7**

**#8.00** Reaffirmation Agreement Between Debtor and Connexus Credit Union

Docket 15

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jenny C Trejo

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16518 Jenny C Trejo**

**Chapter 7**

**#9.00** Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A.

Docket 13

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jenny C Trejo

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16576 Thomas Joseph Dale**

**Chapter 7**

**#10.00 Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union**

Docket 15

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Thomas Joseph Dale

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16768 Carina Mora**

**Chapter 7**

**#11.00** Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation

Docket 10

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Carina Mora

Represented By  
Joseph Collier

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-16884 Aram Melkonyan**

**Chapter 7**

**#12.00** Reaffirmation Agreement Between Debtor and TD Retail Card Services/Robibins Bros

Docket 10

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Aram Melkonyan

Pro Se

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17006 Cheri Maureen Dennis**

**Chapter 7**

**#13.00** Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC  
(2018 Ford Edge)

Docket 11

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cheri Maureen Dennis

Represented By  
Glenn Ward Calsada

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17129 Faheem H Faquir**

**Chapter 7**

**#14.00** Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.,  
dba Chrysler Capital

Docket 11

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Faheem H Faquir

Represented By  
Diane Butler

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17192 Jorge A Ortiz and Maria Isaura Calderon Interiano**

**Chapter 7**

**#15.00 Reaffirmation Agreement Between Debtor and Wells Fargo Auto**

Docket 19

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

|               |        |
|---------------|--------|
| Jorge A Ortiz | Pro Se |
|---------------|--------|

**Joint Debtor(s):**

|                                 |        |
|---------------------------------|--------|
| Maria Isaura Calderon Interiano | Pro Se |
|---------------------------------|--------|

**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Edward M Wolkowitz (TR) | Pro Se |
|-------------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17310 Cynthia Renee Donnerson**

**Chapter 7**

**#16.00** Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One. N.A.

Docket 11

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Cynthia Renee Donnerson

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17456 Adam Po Jung Chen**

**Chapter 7**

**#17.00 Reaffirmation Agreement Between Debtor and American Honda Finance Corporation**

Docket 9

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Adam Po Jung Chen

Represented By  
Peter M Lively

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17476 Robert Estrada and Tiffany Estrada**

**Chapter 7**

**#18.00 Reaffirmation Agreement Between Debtor and Kia Motors Finance**

Docket 20

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Robert Estrada | Pro Se |
|----------------|--------|

**Joint Debtor(s):**

|                 |        |
|-----------------|--------|
| Tiffany Estrada | Pro Se |
|-----------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17598 Reina Isabel Cerros**

**Chapter 7**

**#19.00** Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 16

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Reina Isabel Cerros

Represented By  
Oscar R Swinton

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-17965 Larry Aceves-Muniz and Monica Aceves**

**Chapter 7**

**#20.00 Reaffirmation Agreement Between Debtor and Southland Credit Union**

Docket 15

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                    |        |
|--------------------|--------|
| Larry Aceves-Muniz | Pro Se |
|--------------------|--------|

**Joint Debtor(s):**

|               |        |
|---------------|--------|
| Monica Aceves | Pro Se |
|---------------|--------|

**Trustee(s):**

|                  |        |
|------------------|--------|
| Timothy Yoo (TR) | Pro Se |
|------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18009 Cesar Morales Castillo**

**Chapter 7**

**#21.00 Reaffirmation Agreement Between Debtor and Kia Motors Finance**

Docket 7

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Cesar Morales Castillo

Represented By  
Kerry P O'Brien

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18153 John J Corral**

**Chapter 7**

**#22.00** Reaffirmation Agreement Between Debtor and Golden 1 Credit Union

Docket 9

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

John J Corral

Represented By  
Marlin Branstetter

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18153 John J Corral**

**Chapter 7**

**#23.00 Reaffirmation Agreement Between Debtor and Ally Bank**

Docket 12

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

John J Corral

Represented By  
Marlin Branstetter

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18157 Ivan Hernandez**

**Chapter 7**

**#24.00** Reaffirmation Agreement Between Debtor and Glendale Federal Credit Union

Docket 9

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Ivan Hernandez

Represented By  
Glenn Ward Calsada

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18190 Maricela Cristina Parrales**

**Chapter 7**

**#25.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation**

Docket 9

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Maricela Cristina Parrales

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18190 Maricela Cristina Parrales**

**Chapter 7**

**#26.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation**

Docket 10

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Maricela Cristina Parrales

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18311 Marvin Jackson and Barbara Jean Jackson**

**Chapter 7**

**#27.00 Reaffirmation Agreement Between Debtor and Wescom Central Credit Union**

Docket 12

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Marvin Jackson

Represented By  
Philomena N Nzegge

**Joint Debtor(s):**

Barbara Jean Jackson

Represented By  
Philomena N Nzegge

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18327 Miguel Angel Nunez Estrada and Laura Senderos Cerezo**

**Chapter 7**

**#28.00 Reaffirmation Agreement Between Debtor and WESTLAKE FINANCIAL SERVICES**

Docket 14

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Miguel Angel Nunez Estrada

Represented By  
Raymond Perez

**Joint Debtor(s):**

Laura Senderos Cerezo

Represented By  
Raymond Perez

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18344 Juan Rodriguez**

**Chapter 7**

**#29.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 7

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juan Rodriguez

Represented By  
Michael H Colmenares

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18508 Lynette Alicia Raggett**

**Chapter 7**

**#30.00** Reaffirmation Agreement Between Debtor and Los Angeles Police Federal Credit Union

Docket 13

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Lynette Alicia Raggett

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18531 Sara Maribel Escalante**

**Chapter 7**

**#31.00** Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.

Docket 8

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sara Maribel Escalante

Represented By  
Omar Zambrano

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18556 Antonio Moises Gonzalez**

**Chapter 7**

**#32.00** Reaffirmation Agreement Between Debtor and Northrop Grumman Federal Credit Union

Docket 10

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Antonio Moises Gonzalez

Represented By  
Daniel King

**Trustee(s):**

Jason M Rund (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18615 Silvia Nineth Rivas-Archila**

**Chapter 7**

**#33.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 8

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Silvia Nineth Rivas-Archila

Represented By  
Michael H Colmenares

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18809 David Hutchinson**

**Chapter 7**

**#34.00** Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 11

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

David Hutchinson

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18809 David Hutchinson**

**Chapter 7**

**#35.00** Reaffirmation Agreement Between Debtor and Connexus Credit Union

Docket 14

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

David Hutchinson

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-18863 Steffany Susana Perdomo Flores**

**Chapter 7**

**#36.00 Reaffirmation Agreement Between Debtor and Kia Motors Finance**

Docket 11

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Steffany Susana Perdomo Flores

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

9:30 AM

**2:19-19799 Vanessa Hernandez**

**Chapter 7**

**#37.00 Reaffirmation Agreement Between Debtor and Kia Motors Finance**

Docket 10

**Tentative Ruling:**

- NONE LISTED -

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Vanessa Hernandez

Pro Se

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Thursday, October 10, 2019

Hearing Room 1675

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#38.00** Cont'd hearing re: Motion to disqualify Victor Sahn and SulmeyerKupetz, A Professional Corporation from representing debtors Roslyn Soudry Katz and Robert Katz fr. 9/18/19

Docket 197

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/10/19 to 11/21/19 at 11:00 a.m. per stip & order entered on 9/26/19-pj.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/21/19 at 11:00 a.m.  
No appearances are required on 10/10/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#39.00** Cont'd hearing re: Motion of Roslyn Soudry Katz and Naomi Jacobs to quash subpoena served upon Mufg Union Bank, N.A. or, in the alternative, to modify subpoena (FRBankr. P9016; FRCP 45(d)(3)(A) and 45 (d)(3)(B) fr. 8/28/19

Docket 180

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/10/19 to 11/21/19 at 11:00 a.m. per stip & order entered on 9/26/19-pj.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/21/19 at 11:00 a.m.  
No appearances are required on 10/10/19.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#40.00** Cont'd hearing re: Motion for order approving disclosure statement describing first amended chapter 11 plan proposed by debtors  
fr. 7/3/19, 7/30/19, 9/4/19

Docket 144

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/10/19 to 11/21/19 at 11:00 a.m. per stip & order entered on 9/26/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. Off calendar. Continued by stipulation and order to 11/21/19 at 11:00 a.m. No appearances are required on 10/10/19.

Prior tentative ruling as of 7/1/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#41.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/3/19, 7/30/19, 9/4/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/10/19 to 11/21/19 at 11:00  
a.m. per stip & order entered on 9/26/19-pj.**

**Tentative Ruling:**

Updated tentative ruling as of 10/7/19. Off calendar. Continued by stipulation and order to 11/21/19 at 11:00 a.m. No appearances are required on 10/10/19.

Prior tentative ruling as of 7/2/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20254 Ana Gabriela Ortiz**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Ana Gabriela Ortiz

Represented By  
Marlin Branstetter

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-19624 Nana Baidoobonso I AM**

**Chapter 7**

**#1.10** Cont'd hearing re: Motion for relief from stay  
(Lyons Investment Properties, LLC VS Debtor)  
fr. 10/1/19

Docket 9

**Tentative Ruling:**

Updated tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/30/19. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Nana Baidoobonso I AM | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-20432 Don Gonzalez**

**Chapter 7**

Adv#: 2:18-01432 Swift Financial, LLC v. Gonzalez

**#2.00** Cont'd status conference re: Complaint for non-dischargeability for: 1) debts incurred through false pretenses, false representation or actual fraud under 11 U.S.C. §523(a)(2)(A); 2) debts incurred through false statements respecting debtor's financial condition under 11 U.S.C. §523(a)(2)(B); 3) debts neither listed nor scheduled and known to debtor (11 U.S.C. §523(a)(3); 4) debts incurred through conversion under 11 U.S.C. §523(a)(4); 5) debts incurred through willful and malicious injury to property under 11 U.S.C. §523(a)(6); 6) objection to discharge under 11 U.S.C. §727(a)(5) fr. 2/12/19, 8/20/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 2/12/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Don Gonzalez Pro Se

**Defendant(s):**

Don Gonzalez Pro Se

**Plaintiff(s):**

Swift Financial, LLC Represented By  
Daren M Schlecter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Don Gonzalez**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01214 Katz et al v. CITIBANK, N.A. et al

**#3.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims  
fr. 9/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/15/19 to 11/26/19 at 1:30 p.m. per stip & order entered on 9/11/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/26/19 at 1:30 p.m. No appearances are required on 10/15/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

CITIBANK, N.A.

Pro Se

Citi

Pro Se

Citigroup, Inc.

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Robert David Katz**

**Chapter 11**

**Plaintiff(s):**

Robert David Katz

Represented By  
Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 15, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01216 Katz et al v. American Express Company, a New York Corporation e

**#4.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims  
fr. 9/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 12/17/19 at 1:30 p.m. per stip & order entered on 9/25/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/15/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

American Express Company, a New

Pro Se

American Express

Pro Se

American Express Travel Related

Pro Se

American Express National Bank, a

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Robert David Katz**

**Chapter 11**

**Plaintiff(s):**

Robert David Katz

Represented By  
Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 15, 2019

Hearing Room 1675

1:30 PM

**2:19-15356 Ara Ohannes Keyllian**

**Chapter 7**

Adv#: 2:19-01267      Ayrapetyan v. Keyllian

**#5.00**      Status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. § 523(a)(6), 11 U.S.C. §523(a)(2)(A), 11 U.S.C. §727(a)(2)(A), and 11 U.S.C. §727(a)(4) (A)

Docket      1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/8/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Ara Ohannes Keyllian

Represented By  
Eileen Keusseyan

**Defendant(s):**

Ara Keyllian

Pro Se

**Plaintiff(s):**

Anahid Ayrapetyan

Represented By  
Linet Megerdomian

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 15, 2019

Hearing Room 1675

1:30 PM

**2:19-15783 Kemanjian Gary**

**Chapter 7**

Adv#: 2:19-01272 Miwalian v. Gary

**#6.00** Status conference re: Adversary complaint for denial of discharge under 11 U.S.C. § 523(a)(4); 11 U.S.C. §727(A); and related claims

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case dismissed per order entered on 9/11/19-mb.**

**Tentative Ruling:**

Off calendar. The adversary proceeding is moot because the main bankruptcy case was dismissed. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Kemanjian Gary

Represented By  
John H Petersen

**Defendant(s):**

Kemanjian Gary

Represented By  
John H Petersen

**Plaintiff(s):**

Rafi Miwalian

Represented By  
Marc A Karlin

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 15, 2019

Hearing Room 1675

2:00 PM

**2:13-28497 Corona Care Convalescent Corporation**

**Chapter 7**

Adv#: 2:16-01113 Diamond, Chapter 7 Trustee, Plaintiff v. Premier Rehabilitation Services, a

**#7.00** Cont'd pretrial conference re: Complaint for (1) to Avoid and Recover Preferential Transfers; (2) to Avoid and Recover Fraudulent or Avoidable Transfers; (3) for Imposition of Constructive Trust; (4) for Unjust Enrichment; (5) for Turnover; and (6) to Disallow Claims  
fr. 4/9/19, 6/11/19, 8/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 9/27/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Corona Care Convalescent

Represented By  
M Jonathan Hayes  
Michael Jay Berger

**Defendant(s):**

Premier Rehabilitation Services, a

Pro Se

**Plaintiff(s):**

Richard K. Diamond, Chapter 7

Represented By  
Walter K Oetzell

**Trustee(s):**

Richard K Diamond (TR)

Pro Se

Richard K Diamond (TR)

Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Corona Care Convalescent Corporation**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-29526 Owen James Thornton**

**Chapter 7**

**#8.00** Hearing re: Motion to avoid lien with Nevi Maddy

Docket 26

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014. However, the court notes that the valuation report submitted by creditor Maddy is not in admissible form since there is no declaration under penalty of perjury by the real estate agent providing the valuation opinion and that the valuation opinion is not supported by any valuation analysis. The court will allow an opportunity for creditor to obtain an admissible valuation opinion or report. If creditor obtains an admissible valuation opinion, the court will set the matter for an evidentiary hearing, and requests creditor to provide an estimate on how long it will take to obtain the valuation opinion of the agent or an appraiser and such expert's availability to testify. Appearances are required on 10/15/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Owen James Thornton

Represented By  
James K Chang  
Steven A Alpert

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#9.00** Cont'd hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]  
fr. 9/10/19

Docket 46

**Tentative Ruling:**

No tentative ruling as of 10/11/19. Appearances are required on 10/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#10.00** Cont'd hearing re: Application for fees and expenses  
[SulmeyerKupetz, Attorney for Chapter 7 Trustee]  
fr. 9/10/19

Docket 44

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 10/1/19-mb.**

**Tentative Ruling:**

Off calendar. Application withdrawn by notice filed on 10/1/19. No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#11.00** Cont'd hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]  
fr. 9/10/19

Docket 41

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 10/1/19-mb.**

**Tentative Ruling:**

Off calendar. Application withdrawn by notice filed on 10/1/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-11431 Martin Pinon**

**Chapter 7**

**#12.00** Hearing re: U.S. Trustee's objection to claims filed by chapter 7 trustee Wesley H. Avery on behalf of unsecured creditors Midland Funding (claim no. 1-1) and Portfolio Recovery (claim no. 2-1)

Docket 57

**Tentative Ruling:**

No tentative ruling as of 10/11/19. Appearances are required on 10/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martin Pinon

Represented By  
Raymond Perez

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#13.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 77

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 10/15/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Janine Liebert

Represented By  
Charles Shamash

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#14.00** Hearing re: Application for fees and expenses  
[Marshack Hays LLP, Attorney for Chapter 7 Trustee]

Docket 73

**Tentative Ruling:**

Approve final fee application of attorneys for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/15/19, but applicants and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Janine Liebert

Represented By  
Charles Shamash

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17013 Janine Liebert**

**Chapter 7**

**#15.00** Hearing re: Application for fees and expenses  
[Hahn Fife & Company LLP, Accountant for Chapter 7 Trustee]

Docket 72

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/15/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Janine Liebert

Represented By  
Charles Shamash

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion for relief from stay  
(Rehabbers Financial, Inc. dba Aztec Financial VS Debtor)  
fr. 9/10/19

Docket 161

**Tentative Ruling:**

Updated tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19 to discuss scheduling of further proceedings, including an evidentiary hearing. Appearances are required on 10/15/19, but counsel may appear by telephone.

Prior tentative ruling. The court was inclined to allow a short continuance of the hearing to allow debtor to obtain a valuation opinion in response to the valuation opinion submitted on behalf of movant. Debtor to provide a reasonable estimate when the appraisal can be obtained, so that the court can set an evidentiary hearing on valuation and cause for stay relief, including lack of adequate protection. Appearances are required on 9/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14587 Rosalinda Montano**

**Chapter 7**

Adv#: 2:19-01241 Avery v. Montano

**#17.00** Hearing re: Motion for default judgment against Rosalinda Montano pursuant to Federal Rule of Bankruptcy Procedure 7055 and Local Bankruptcy Rule 7055-1

Docket 12

**Tentative Ruling:**

Grant trustee's motion for default judgment for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Rosalinda Montano Pro Se

**Defendant(s):**

Rosalinda Montano Pro Se

**Plaintiff(s):**

Wesley H. Avery Represented By  
David M Goodrich

**Trustee(s):**

Wesley H Avery (TR) Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-14587 Rosalinda Montano**

**Chapter 7**

Adv#: 2:19-01241 Avery v. Montano

**#17.10** Cont'd status conference: Complaint for denial of debtor's discharge pursuant to 11 U.S.C. §§727(a)(2) and 727 (a)(4) fr. 10/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report, stating that default has been entered against defendant and a motion for default judgment is noticed for hearing on 10/15/19 at 2:30 p.m. The court on its own motion continues the status conference to 10/15/19 at 2:30 p.m. to be conducted with the hearing on the motion for default judgment. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                   |        |
|-------------------|--------|
| Rosalinda Montano | Pro Se |
|-------------------|--------|

**Defendant(s):**

|                   |        |
|-------------------|--------|
| Rosalinda Montano | Pro Se |
|-------------------|--------|

**Plaintiff(s):**

|                 |                                    |
|-----------------|------------------------------------|
| Wesley H. Avery | Represented By<br>David M Goodrich |
|-----------------|------------------------------------|

**Trustee(s):**

|                     |                                    |
|---------------------|------------------------------------|
| Wesley H Avery (TR) | Represented By<br>David M Goodrich |
|---------------------|------------------------------------|



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 15, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-18612 Elizabeth Jackson**

**Chapter 7**

**#18.00** Hearing re: Motion for denial of discharge pursuant to 11 U.S.C. § 727(a)(8)

Docket 26

**Tentative Ruling:**

Grant motion of United States Trustee to deny discharge pursuant to 11 U.S.C. 727(a)(8) for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Elizabeth Jackson

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#1.00** CONT'D TRIAL RE: Final application for approval of compensation and expense reimbursement of Baker & Hostetler LLP fr. 5/1/19, 5/15/19, 6/26/19

Docket 482

**Tentative Ruling:**

Off calendar. The court has issued its decision on the application. No appearances are necessary.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/1/19, 5/15/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#3.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 744

**Tentative Ruling:**

No tentative ruling as of 10/15/19. Appearances are required on 10/16/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#4.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 7/17/19, 8/21/19, 8/28/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. the court has reviewed the unilateral status report filed by creditor Emma Borges. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**  
by telephone.

**Chapter 11**

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits.  
Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits.  
Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the  
evidentiary hearing on creditor's motion to convert case to Chapter 7.  
Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President  
Trump's announcement of a National Day of Mourning for former President  
George H.W. Bush on Wednesday December 5, 2018, the court is continuing  
the hearings on Judge Kwan's hearing calendar that day in observance of the  
National Day of Mourning for former President Bush. The hearing on this  
matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No  
appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis  
declaration. The court is inclined to order debtor to file a written outline of  
how this case will reorganize with an estimated timetable by 11/21/18 and set  
a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to  
discuss the status of debtor's reorganization efforts. Debtor's opposition  
really did not show much in the way of the presence of a reasonable  
likelihood of reorganization to persuade the court to deny the motion at the  
hearing on 11/14/18, which is somewhat disconcerting, given the age of this  
case, now approaching its one year anniversary on 11/30/18. The court  
thinks debtor must make some showing of a reasonable likelihood of a  
confirmable plan within a reasonable period of time, or otherwise it might be  
convinced to grant the motion. Appearances are required on 11/14/18, but  
counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#5.00** Cont'd hearing re: Unsecured creditor, Emma Borges' motion for order re compel debtor to comply with the terms of the all-day mediation overseen by Bankruptcy Judge Thomas Donovan  
fr. 8/21/19, 8/28/19

Docket 270

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. This matter appears to be settled as provided in the stipulation of the parties and order thereon entered on 8/30/19. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for order approving third amended disclosure statement describing debtor's second amended chapter 11 plan fr. 7/17/19, 8/21/19, 8/28/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Since there was no notice of motion with the amended disclosure statement and plan filed and served by debtor on 9/9/19, debtor needs to address whether the amended disclosure statement has been properly served for approval. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. The court is inclined to allow the parties to participate in mediation before the settlement judge before ruling on the amended disclosure statement. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#7.00** Cont'd status conference re: Management of chapter 11 case  
fr. 2/6/19, 5/8/19, 8/28/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. The court has reviewed creditor Emma Borges's unilateral status report on mediation. No tentative ruling on the merits. Appearances are required on 5/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/10/18. No tentative ruling on the merits. Appearances are required on 12/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. The court has reviewed debtor's status report and request to continue the status conference. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/7/18. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Appearances are required on 5/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. The court has reviewed debtor's status report suggesting a continued status conference in about 60 days. No tentative ruling on the merits. Appearances are required on 3/7/18 to hear from other parties on status, including compliance with United States Trustee requirements, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/24/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

Adv#: 2:19-01208 Philadelphia Indemnity Insurance Company v. Advance Specialty Care, LLC

**#8.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 9/10/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/16/19 to 12/17/19 at 1:30  
p.m. per stip & order entered on 9/19/19-mb**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**Defendant(s):**

Advance Specialty Care, LLC

Pro Se

**Plaintiff(s):**

Philadelphia Indemnity Insurance

Represented By  
Lane K Bogard  
Lisa Darling-Alderton

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#9.00** Cont'd hearing re: Disclosure statement  
fr. 5/15/19, 7/17/19, 9/4/19

Docket 77

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Since there was no notice of motion with the amended disclosure statement and plan filed and served by debtor on 9/18/19, debtor needs to address whether the amended disclosure statement has been properly served for approval. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Nina Mosby**

**Chapter 11**

rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#10.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/15/19, 7/17/19, 9/4/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Nina Mosby**

**Chapter 11**

matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#11.00** Hearing re: U.S. Trustee's motion to dismiss or convert or appoint a Chapter 11 trustee with an order directing payment of quarterly fees and for judgment thereon

Docket 70

**\*\*\* VACATED \*\*\* REASON: Resolved per stip & order entered on 10/8/19-mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by stipulation an order entered on 10/8/19. No appearances are necessary.

**Party Information**

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-21789 Samuel Marquez**

**Chapter 11**

**#12.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/27/19, 6/26/19, 9/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/15/19. No tentative ruling on the merits.  
Appearances are required on 10/16/19, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/9/19. No tentative ruling on the merits.  
Appearances are required on 9/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits.  
Appearances are required on 3/27/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Samuel Marquez

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:30 AM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01215 Katz et al v. Capital One et al

**#13.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims  
fr. 9/17/19

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 1/31/20, and a post-discovery status conference on 3/3/20 at 1:30 p.m. with a joint status report due on 2/25/20. Appearances are required on 10/16/19, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

Capital One

Pro Se

Capital One, National Association

Pro Se

Capital One Bank (USA)

Pro Se

Capital One Bank (USA), National

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:30 AM

**CONT... Robert David Katz**

**Chapter 11**

Cathy Ta

**Plaintiff(s):**

Robert David Katz

Represented By  
Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, October 16, 2019

Hearing Room 1675

11:30 AM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01217 Katz et al v. Bank of America Corporation, a Delaware corporatio

**#14.00** Cont'd status conference re : Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Preservation of Avoided Transfers; and (4) Disallowance of Claims  
fr. 9/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/16/19 to 12/17/19 at 1:30 p.m. per stip & order entered on 10/2/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/15/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

Bank of America Corporation, a

Pro Se

BANK OF AMERICA

Pro Se

Bank of America, N.A., a National

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Robert David Katz

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

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11:30 AM

**CONT... Robert David Katz**

**Chapter 11**

Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 16, 2019**

**Hearing Room 1675**

11:30 AM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#15.00** Hearing re: Emergency Motion for An Order (1) to Allow Plan Agent to Sell Debtor's Artwork Free and Clear of Disputed Liens, Claims or Interests Attaching to the Proceeds; (2) to Confirm a Sale to Third Party Buyer(s); (3) to Determine that Buyer is a Good Faith Purchaser; and (4) to Waive the 14-day Stay Under Federal Rule of Bankruptcy Procedure 6004(h)

Docket 2539

**Tentative Ruling:**

No tentative ruling will be issued on the motion heard on shortened notice. Appearances are required on 10/16/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye  
Alan I Nahmias



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

10:30 AM

**2:11-39746 Barbara Jo Baiz Rodriguez**

**Chapter 11**

**#1.00** Hearing re: Default under adequate protection order; request for entry of order granting relief from stay

REAL PROPERTY RE: 3696 Castillo De Leon Drive

Docket 445

**\*\*\* VACATED \*\*\* REASON: Denied per order entered on 10/9/19-mb.**

**Tentative Ruling:**

Off calendar. The court issued a written ruling on the motion. No appearances are required on 10/22/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Barbara Jo Baiz Rodriguez

Represented By  
Jerome S Cohen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, National Association VS Debtor)

Docket 105

**Tentative Ruling:**

No tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Dean Henrik Okland

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20412 Juan Estefano**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Bank of America, N.A. VS Debtor)

Docket 15

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Juan Estefano

Represented By  
Edward A Villalobos

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20579 Jose Gerson Zetina**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Sierra Credit Corporation VS Debtor)

Docket 8

**Tentative Ruling:**

Movant has not filed adequate evidence of standing. The third party lien and title information report is not a properly authenticated certificate of title pursuant to Federal Rules of Evidence 901 and 902. Appearances are required on 10/22/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Jose Gerson Zetina

Represented By  
Nicholas Nicholas Wajda

**Movant(s):**

Sierra Credit Corporation

Represented By  
Adam N Barasch

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-19624 Nana Baidoobonso I AM**

**Chapter 7**

**#4.10** Cont'd hearing re: Motion for relief from stay  
(Lyons Investment Properties, LLC VS Debtor)  
fr. 10/1/19, 10/15/19

Docket 9

**Tentative Ruling:**

No updated tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/30/19. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Nana Baidoobonso I AM | Pro Se |
|-----------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:16-24931 Anthony Roy Martinez**

**Chapter 7**

Adv#: 2:17-01158 Carter et al v. Martinez

- #5.00** Status conference re: Complaint to except debt from discharge for willful and malicious injury and as money obtained under false pretenses; fraud [11 U.S.C. § 523 (a)2)(A) & (6)] fr. 5/7/19, 6/25/19, 8/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/19. The court has reviewed the explanation of counsel for plaintiffs dated 4/17/17, but filed on 8/26/19, requesting a continuance of the pretrial conference for about 45 days pending the outcome of the preliminary hearing in the state court criminal case against defendant. Appearances are required on 8/27/19 to discuss scheduling of further proceedings in light of the pending criminal case against defendant, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/18. No tentative ruling on the merits. Appearances are required on 2/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18 to discuss the status of the mediation and the matter in general, but counsel may appear by telephone.

Prior tentative ruling as of 8/31/18. No tentative ruling on the merits. Appearances are required on 9/4/18 to discuss the status of the mediation, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Anthony Roy Martinez**

**Chapter 7**

Prior tentative ruling as of 7/9/18. The court has reviewed the joint pretrial stipulation filed on 7/3/18. The joint pretrial stipulation will need revision because it does not contain all the statements required for a joint pretrial stipulation set forth in Local Bankruptcy Rule 7016-1(b)(2), the witness list is incomplete as stated in the joint pretrial stipulation and the exhibit list is incomplete because not all of the exhibits are specifically listed and no objections to the exhibits are stated unless the parties waive objections. Appearances are required on 7/10/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/19/18. Off calendar. Continued by stipulation and order to 7/10/18 at 2:00 p.m. No appearances are required on 6/19/18.

Prior tentative ruling as of 6/18/18. No tentative ruling on the merits. Appearances are required on 6/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 6/4/18. Off calendar. Continued by stipulation and order to 6/19/18 at 2:00 p.m. No appearances are required on 6/5/18.

Prior tentative ruling as of 5/21/18. Off calendar. Continued by stipulation and order to 6/5/18 at 2:00 p.m. No appearances are required on 5/22/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. See tentative ruling for matter no. 13 on the hearing calendar of 11/14/17. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the unilateral status report filed by defendant. Set a discovery cutoff date of 10/31/17 and a further postdiscovery status conference for 11/10/17 at 1:30 p.m. with a joint status report due on 11/3/17. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 5/19/17 and complete mediation by 11/10/17. Appearances are required on 4/18/17, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
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Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Anthony Roy Martinez**

**Chapter 7**

**Debtor(s):**

Anthony Roy Martinez

Represented By  
Christian T Kim

**Defendant(s):**

Anthony Roy Martinez

Pro Se

**Plaintiff(s):**

Lance Carter

Represented By  
Dana M Douglas

Jean Holmes

Represented By  
Dana M Douglas

Carriage Estates LLC

Represented By  
Dana M Douglas

Adamantine Investments LLC

Represented By  
Dana M Douglas

Sterling Holdings LLC

Represented By  
Dana M Douglas

Lance Carter IRA 419990

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11148 Jong J Kim**

**Chapter 7**

Adv#: 2:18-01134 Shon et al v. Kim et al

**#6.00** Cont'd status conference re: Complaint for nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(A) & (a)(6) and 11 U.S.C. §§727(a)(3)-(4), and declaratory relief fr. 9/18/18, 3/26/1, 6/25/19

Docket 1

**Tentative Ruling:**

No updated tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel may appear by telephone.

tentative ruling as of 6/24/19. Schedule a pretrial conference for this adversary proceeding if the matter is not being settled. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. The court has reviewed the stipulation of the parties regarding continuance of scheduled dates and hearings filed on 2/27/19 and based on that stipulation, set a new discovery cutoff date of 5/29/19 and a post-discovery status conference on 6/25/19 at 1:30 p.m. (status conferences are held on Tuesdays at 1:30 p.m.) with a joint status report due on 6/18/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 4/15/19 and complete mediation by 6/25/19. No appearances are required on 9/18/18. Plaintiffs to submit a proposed scheduling order within 7 days.

Prior tentative ruling as of 9/17/18. Set a discovery cutoff date of 2/28/19 and a post-discovery status conference on 3/26/19 at 1:30 p.m. with a joint status report due on 3/19/19. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 10/31/18 and complete mediation by 3/26/19. Appearances are required on 9/18/18, but counsel may appear by telephone. Plaintiffs to submit a proposed scheduling order within 7 days of the status conference.

Prior tentative ruling as of 7/30/18. No tentative ruling on the merits. Appearances are required on 7/31/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, October 22, 2019

Hearing Room 1675

1:30 PM

CONT... Jong J Kim

Chapter 7

Prior tentative ruling. The court has reviewed the unilateral status reports filed by the parties. The court continues the status conference to 7/31/18 at 2:30 p.m. to be conducted with the hearing on defendants' amended motion to dismiss. No appearances are required on 7/10/18.

Although the parties failed to file a timely joint status report as required by Local Bankruptcy Rule 7016-1 and the court's status conference order, the court will not require at this time for the parties to file an updated and amended joint status report in light of the pendency of defendants' motion to dismiss.

However, the court notes that plaintiff has a jury trial demand on the face of the complaint, which the court will strike because there is no right to a jury trial on debt dischargeability and discharge denial claims in the adversary proceeding. The court also notes that the parties' consent to this court's jurisdiction to enter a final judgment on these core claims is not needed.

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| <b>Party Information</b> |
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**Debtor(s):**

Jong J Kim

Represented By  
M Teri Lim

**Defendant(s):**

Jong Joo Kim

Pro Se

Sun Y Kim

Pro Se

**Joint Debtor(s):**

Sun Y Kim

Represented By  
M Teri Lim

**Plaintiff(s):**

Kevin Shon

Represented By  
Jason Shon

Sunny Shon

Represented By  
Jason Shon

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**CONT... Jong J Kim**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#7.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 4/9/19, 6/12/19, 8/20/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/22/19 to 12/17/19 at 1:30  
p.m. per stip & order entered on 9/26/19-st**

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/22/19.

Prior tentative ruling as of 6/11/19. Off calendar. Continued by stipulation and order to 8/20/19 at 1:30 p.m. No appearances are required on 6/12/19.

Prior tentative ruling as of 4/8/18. No tentative ruling on the merits. Appearances are required on 4/9/18, but counsel may appear by telephone.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. The court tends to agree with plaintiff and defendant Trinh that a determination of whether the estate has an interest in the subject property first would be a more efficient use of litigation resources as that seems to be a straightforward issue. Deciding this issue is a threshold issue for Second Generation's fraudulent transfer claims, and the parties would not have to litigate these claims if the assets were plaintiff's separate property. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/5/18. No tentative ruling on the merits. Appearances are required on 11/6/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/20/18. The court intends to advance the related

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**CONT...**

**Catherine Trinh**

**Chapter 11**

matters on the court's 2:30 p.m. calendar to be heard with the status conference. However, the status conference will be conducted at the end of the 1:30 p.m. for matters in other cases to be called first. Appearances are required on 8/21/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
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Los Angeles  
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Tuesday, October 22, 2019

Hearing Room 1675

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01276 Goodrich v. Shemtov

**#8.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

George Shemtov

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Hearing Room 1675**

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**CONT...**

**SOCALDEAL INC**

Weiland Golden Goodrich LLP

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01277 Goodrich v. Shemtov

**#9.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Jack Shemtov

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**SOCALDEAL INC**

Weiland Golden Goodrich LLP

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01278      Goodrich v. Shemtov

**#10.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Najid Shemtov

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
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1:30 PM

**CONT...**

**SOCALDEAL INC**

Weiland Golden Goodrich LLP

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01279 Goodrich v. Shemtov

**#11.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Rojeh Shemtov

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1675**

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**CONT...**

**SOCALDEAL INC**

Weiland Golden Goodrich LLP

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
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Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01280 Goodrich v. Shemtov

**#12.00** Status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Simon Shemtov

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
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**CONT... SOCALDEAL INC**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
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Tuesday, October 22, 2019

Hearing Room 1675

1:30 PM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

Adv#: 2:19-01282 AJU Small but Great Fund 5, a Korean entity v. You

- #13.00** Status conference re: Complaint for determination of non-dischargeability of debt:  
1. For fraudulent statements re non-financial condition (11 U.S.C. §523(a)(2)(A));  
2. For fraudulent written statements re financial condition (11 U.S.C. §523(a)(2)(B))  
3. Fraud/defalcation while acting in fiduciary capacity, embezzlement, or larceny (11 U.S.C. §523(a)(4)); 4. Willful and malicious injury to another entity (11 U.S.C. §523(a)(6)); 5. Securities fraud (11 U.S.C. §523(a)(19))

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. Plaintiff should discuss to what extent it is relying upon claim and/or issue preclusion to prove its claims, and perhaps this case is amenable to cross-motions for summary judgment or a trial upon stipulated facts. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Order the matter to mediation, and mediation to be completed by 3/31/20. Appearances are required on 10/22/19. After the status conference, plaintiff is to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Defendant(s):**

Daniel Hyun You

Pro Se

**Plaintiff(s):**

AJU Small but Great Fund 5, a

Represented By  
James E Till



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**CONT... Daniel Hyun You**

**Chapter 7**

Pio S Kim  
Alexander Su

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Laila Masud  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, October 22, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-20823 Gil Soon Shin**

**Chapter 7**

**#14.00** Order to show cause re: debtor's failure to file Certificate of Credit Counseling

Docket 9

**Tentative Ruling:**

No tentative ruling as of 10/21/19. Appearances are required on 10/22/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Gil Soon Shin

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**2:17-25817 Denise Ann Hatfield**

**Chapter 7**

Adv#: 2:18-01434 Ehrenberg v. Hatfield

**#15.00** Cont'd status conference re: Complaint for: (1) avoidance of transfer under 11 U.S.C. § 548(a)(1)(A); (2) Avoidance of transfer under CCC § 3439.04(a)(1); (3) Avoidance of transfer under 11 U.S.C. § 548(A)(1)(B); (4) Avoidance of transfer under CCC § 3439.04(a)(2); (5) Avoidance of transfer under CCC § 3439.05; (6) Recovery of transferred property or value thereof; (7) Preservation of avoided transfer; and (8) Declaratory relief  
fr. 2/12/19, 5/28/19, 8/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. The court has reviewed the joint pretrial stipulation and it appears to be in proper form to be approved, though the court notes that no objections have been interposed to any of the listed exhibits. The court thus presumes that there are no objections to the exhibits and all exhibits are to be received into evidence. However, if there are objections to any of the exhibits, the joint pretrial statement will need to be amended. Appearances are required on 8/27/19 to discuss scheduling of trial.

Prior tentative ruling as of 5/24/19. The court has reviewed the joint status report. Set a pretrial conference for 8/13/19 at 2:00 p.m. and a joint pretrial stipulation must be filed by 8/6/19. Appearances are required on 5/28/19 to discuss scheduling and the status of mediation, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19 and a further postdiscovery status conference for 5/28/19 at 1:30 p.m. with a joint status report due on 5/7/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/12/19 and

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**CONT... Denise Ann Hatfield Chapter 7**

complete mediation by 5/28/19. Appearances are required on 2/12/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Denise Ann Hatfield

Represented By  
Michael E Clark

**Defendant(s):**

Thomas Carson Hatfield

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

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Los Angeles  
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**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#16.00** Cont'd hearing re: Motion for entry of an order authorizing sale of substantially all of the debtor's real estate related assets free and clear of all liens, claims, encumbrances and interests and granting related relief  
fr. 5/30/19, 6/10/19, 8/21/19

Docket 248

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. In the case status report filed on 10/8/19, debtor stated that it intended to request a continuance of the hearing on the sale of the Stockton property for about 60 days. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/22/19 at 2:30 p.m. No appearances are required on 8/21/19.

Prior tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the hearing from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the hearing from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the hearing at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the hearing from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Appearances are required on 6/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits.

Appearances are required on 5/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/13/19,  
but counsel may appear by telephone.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#17.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/30/19, 6/10/19, 8/21/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. The court has reviewed the case status report filed on 10/8/19. No tentative ruling on the merits. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Off calendar. Continued by stipulation and order to 10/22/19 at 2:30 p.m. No appearances are required on 8/21/19.

Prior tentative ruling as of 6/10/19 at 1:25 p.m. Based on telephone request of counsel for debtor to postpone the status conference from 2:00 p.m. to 3:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 2:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 2:00 p.m. to 3:00 p.m. Appearances are required at 3:00 p.m., not 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19 at 10:45 a.m. Based on telephone request of counsel for debtor to postpone the status conference from 1:00 p.m. to 2:00 p.m. based on representations that the auction proceedings at 10:00 a.m. are protracted, that it may be difficult for the parties appearing at the auction to appear for the status conference at 1:00 p.m. and that all relevant parties consent to this short postponement, the court on its own motion reschedules the status conference from 1:00 p.m. to 2:00 p.m. Appearances are required at 2:00 p.m., not 1:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 6/7/19. No tentative ruling on the merits. Appearances are required on 6/10/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Zacky & Sons Poultry, LLC**

**Chapter 11**

Prior tentative ruling as of 5/29/19. No tentative ruling on the merits. Appearances are required on 5/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Off calendar. The court on its own motion continues the status conference to 4/30/19 at 2:30 p.m. to be conducted with the hearing on debtor's motion for an order approving sale of certain estate assets. No appearances are required on 4/17/19.

Prior tentative ruling as of 1/14/19. Appearances are required on 1/16/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:19-01140 GemCap Lending I, LLC v. Great Rock Capital Partners Management, LLC

**#18.00** Cont'd status conference re: Adversary complaint for equitable subordination  
fr. 7/16/19, 8/27/19, 9/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/22/19 to 12/3/19 at 2:00 p.m.  
per stip & order entered on 9/17/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 12/3/19 at 2:00 p.m. No appearances are required on 10/22/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Great Rock Capital Partners

Pro Se

**Plaintiff(s):**

GemCap Lending I, LLC

Represented By  
Carol Chow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 22, 2019

Hearing Room 1675

2:30 PM

2:05-39946 ARSHAG J MINELIAN

Chapter 7

Adv#: 2:13-02021 Shannahan v. Minelian et al

#19.00 Hearing re: Plaintiff's motion for relief pursuant to FRBP 9024

Docket 170

**Tentative Ruling:**

No tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

ARSHAG J MINELIAN

Represented By  
Mark M Sharf

**Defendant(s):**

Arshag J Minelian

Represented By  
Yi S Kim

Arshag J Minelian

Represented By  
James R Felton  
Yi S Kim

**Movant(s):**

Michael Shannahan

Represented By  
James Bulger  
Kaela Haydu

**Plaintiff(s):**

Michael Shannahan

Represented By  
James Bulger  
Kaela Haydu

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... ARSHAG J MINELIAN**

**Chapter 7**

**Trustee(s):**

David L Ray (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15259 Carolina Ruiz**

**Chapter 7**

**#20.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 52

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 10/22/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Carolina Ruiz

Represented By  
Raymond J Bulaon

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Leonard M Shulman  
Melissa Davis Lowe  
Jay Rothman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15259 Carolina Ruiz**

**Chapter 7**

**#21.00** Hearing re: Application for fees and expenses  
[Shulman Hodges & Bastian, Attorney for Chapter 7 Trustee]

Docket 42

**Tentative Ruling:**

Approve final fee application of general bankruptcy counsel for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Carolina Ruiz

Represented By  
Raymond J Bulaon

**Movant(s):**

David M Goodrich (TR)

Represented By  
Leonard M Shulman  
Melissa Davis Lowe  
Jay Rothman

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Leonard M Shulman  
Melissa Davis Lowe  
Jay Rothman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-15259 Carolina Ruiz**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Hahn Fife & Company LLP, Accountant for Chapter 7 Trustee]

Docket 50

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Carolina Ruiz

Represented By  
Raymond J Bulaon

**Movant(s):**

Hahn Fife & Company., LLP

Pro Se

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Leonard M Shulman  
Melissa Davis Lowe  
Jay Rothman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10524 Fox Property Holdings, LLC**

**Chapter 11**

**#23.00** Hearing re: Motion for entry of order authorizing debtor to use cash collateral through and including April 30, 2020

Docket 199

**Tentative Ruling:**

No tentative ruling as of 10/21/19. The court notes that there is no proposed budget for March and April 2020. Appearances are required on 10/22/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Fox Property Holdings, LLC

Represented By  
Timothy J Yoo  
Juliet Y Oh  
Levene, Neale, Bender, Yoo & Brill LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-22570 Ashley Latimer**

**Chapter 7**

Adv#: 2:19-01284 Avery v. Latimer, III

**#24.00** Hearing re: Defendant motion to dismiss adversary complaint for failure to state a claim upon which relief may be granted

Docket 7

**Tentative Ruling:**

No tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Ashley Latimer

Represented By  
Lane K Bogard

**Defendant(s):**

Robert Whitney Latimer II

Represented By  
Lane K Bogard

**Movant(s):**

Robert Whitney Latimer II

Represented By  
Lane K Bogard

**Plaintiff(s):**

Wesley H. Avery

Represented By  
David M Goodrich

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Ryan W Beall  
David M Goodrich



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 22, 2019

Hearing Room 1675

2:30 PM

**2:18-24011 Sung Pyo Hong and Sung Ja Hong**

**Chapter 7**

**#25.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Elissa Miller, Chapter 7 Trustee]

Docket 46

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 10/22/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Sung Pyo Hong

Represented By  
Young K Chang

**Joint Debtor(s):**

Sung Ja Hong

Represented By  
Young K Chang

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Claire K Wu

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-24011 Sung Pyo Hong and Sung Ja Hong**

**Chapter 7**

**#26.00** Hearing re: Application for fees and expenses  
[SulmeyerKupetz, Attorney for Chapter 7 Trustee]

Docket 44

**Tentative Ruling:**

Approve final fee application of general bankruptcy counsel for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Sung Pyo Hong

Represented By  
Young K Chang

**Joint Debtor(s):**

Sung Ja Hong

Represented By  
Young K Chang

**Movant(s):**

SulmeyerKupetz, A Professional

Represented By  
Claire K Wu

**Trustee(s):**

Elissa Miller (TR)

Represented By  
Claire K Wu

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, October 22, 2019

Hearing Room 1675

2:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#27.00 Hearing re: Debtor's motion to dismiss first amended adversary complaint by Starbucks Corporation

Docket 24

**Tentative Ruling:**

Deny defendant's motion to dismiss the amended complaint because the complaint alleges plausible claims under 11 U.S.C. 727(a)(3) for failure to preserve records as defendant has allegedly failed to explain removal of a debt owed to Credit Advisors Foundation and the addition of a debt to Discover Bankruptcy Department on his amended schedules, under 11 U.S.C. 727(a)(4) for allegedly making false oaths as to the value of a gold bracelet on his schedules, the source of his income on his schedules and whether he owned a car or not as represented on his schedules and under 11 U.S.C. 727(a)(5) for allegedly failing to explain the loss of assets to meet liabilities as to whether he allegedly failed to explain the loss of a vehicle when he had allegedly represented to plaintiff that he had such a vehicle. Defendant argues that the alleged failures are not material, but to resolve the issue of materiality, the court would have to look outside the pleadings to determine that, which is not permissible on a motion to dismiss. Appearances are required on 10/22/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Represented By  
Jaenam J Coe

**Plaintiff(s):**

Starbucks Corporation

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... MINSEOK LEE**

**Chapter 7**

Shayne Figgins  
Maria Keller

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-12016 MINSEOK LEE**

**Chapter 7**

Adv#: 2:19-01163 Starbucks Corporation v. Lee

**#28.00** Cont'd status conference re: Complaint and demand for jury trial  
fr. 8/13/19, 10/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits. The court is of the view that there is no right to jury trial on plaintiff's debt dischargeability claims since such claims did not exist at common law, so no Seventh Amendment right to jury trial, and intends to order plaintiff to brief its claimed right to jury trial. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report, indicating that defendant has filed a motion to dismiss the amended complaint noticed for hearing on 10/22/19 at 2:30 p.m. The court on its own motion continues the status conference to 10/22/19 at 2:30 p.m. to be conducted with the hearing on the motion to dismiss the amended complaint since that matter will have an impact on the status of the adversary proceeding. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

MINSEOK LEE

Represented By  
Jaenam J Coe

**Defendant(s):**

Minseok Lee

Pro Se

**Plaintiff(s):**

Starbucks Corporation

Represented By  
Shayne Figgins  
Maria Keller

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... MINSEOK LEE**

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13487 Georgie Charlie Chong Putera**

**Chapter 7**

Adv#: 2:19-01198 Wheel Group Holdings, LLC v. Chong Putera

**#29.00** Hearing re: Motion of defendant Georgie Charlie Chong Putera to dismiss first amended complaint pursuant to F.R.C.P. 12(b)(6)

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/22/19 to 11/5/19 at 2:30 p.m.  
per stip & order entered on 10/4/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/5/19 at 2:30 p.m. No appearances are required on 10/22/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Georgie Charlie Chong Putera

Represented By  
Eliza Ghanooni

**Defendant(s):**

Georgie Charlie Chong Putera

Represented By  
Matthew D. Resnik  
M. Jonathan Hayes

**Plaintiff(s):**

Wheel Group Holdings, LLC

Represented By  
Leslie R Horowitz  
Stephen E Hyam

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 22, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#30.00** Cont'd hearing re: Motion for monetary and other sanctions under 11 U.S.C. 303(i), (k) fr. 8/20/19, 8/29/19, 9/17/19

Docket 6

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/22/19 to 12/4/19 at 1:30 p.m.  
per order entered on 10/17/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/29/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing on the motion. Appearances are required on 8/20/19 to discuss scheduling.

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| <b>Party Information</b> |
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**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-60711 Brunelle Equities LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 11/28/18, 2/27/19, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits.  
Appearances are required on 10/23/19, but counsel may appear by  
telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits.  
Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Brunelle Equities LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#2.00** Hearing re: Blakeley LLP's fourth and final application for compensation and reimbursement of expenses

Docket 355

**Tentative Ruling:**

Approve fourth and final fee application of counsel for official committee of unsecured creditors for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#3.00** Hearing re: Application for payment of Khang & Khang LLP general bankruptcy counsel for debtor

Docket 359

**Tentative Ruling:**

Disapprove fees for 7.3 hours for future services in preparing and appearing for motion for final decree and 2.6 hours for future services in preparing a post-confirmation status report and appearing for a post-confirmation status conference, but otherwise approve final fee application of general bankruptcy counsel for debtor in possession for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicant and counsel may appear by telephone. Applicant or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#4.00** Hearing re: First and final application for compensation of Kim & Min attorneys at law

Docket 364

**Tentative Ruling:**

Approve final fee application of legal translators for the creditors' committee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/22/19, but applicants and counsel may appear by telephone. Applicants or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#5.00** Hearing re: Second and final application for compensation of Ko & Martin certified interpreters

Docket 365

**Tentative Ruling:**

Approve final fee application of certified Korean/English interpreters for creditors' committee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 10/23/19, but applicants and counsel may appear by telephone. Applicants or Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#6.00** Hearing re: Motion to convert case from chapter 11 to 7

Docket 154

**Tentative Ruling:**

Off calendar. The court determined that oral argument on the motion is not necessary, dispensed with it, vacated the hearing on 10/23/19, took the motion under submission and has issued a written order on the motion. No appearances are required on 10/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
|------------------|--------|

**Movant(s):**

|                  |        |
|------------------|--------|
| Peter G. Kudrave | Pro Se |
| Peter G. Kudrave | Pro Se |

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#7.00** Cont'd hearing re: Application for payment of final fees and/or expenses for Law Offices of David A. Tilem (11 USC §330) general counsel, Period: 2/24/2019 to 4/22/2019, Fee: \$8570.00, Expenses: \$46.79.  
fr. 5/28/19, 8/28/19

Docket 138

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. Off calendar. The court determined that further oral argument on the motion is not necessary, dispensed with it, vacated the hearing on 10/23/19 and has issued a written order taking the motion under submission. No appearances are required on 10/23/19.

Prior tentative ruling. The court on its own motion continues the hearing to 8/28/19 at 11:30 a.m. pending receipt of Excel files relating to the billing entries on the fee application as supplemented and objections thereto. No appearances are required on 5/28/19.

**Party Information**

**Debtor(s):**

Peter G. Kudrave

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#8.00** Cont'd status conference re: Post confirmation of plan  
fr. 3/27/19, 6/26/19, 8/28/19

Docket 62

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. Off calendar. Continued on the court's own motion to 12/11/19 at 11:30 a.m. in light of the suggestion of debtor's death on the record by notice filed on 10/9/19 and the anticipated motion of the proposed probate estate of debtor to substitute itself for debtor to be filed within 90 days of the suggestion of death as provided by FRCP 25(a)(1). No appearances are required on 10/23/19.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits. Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling. The disclosure statement does not contain adequate information. Regarding treatment of secured claims, the text in the plan



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Peter G. Kudrave**

**Chapter 11**

refers to Article II, but no Article II is attached. Exhibit C to the plan refers to certain notes for each claim, but these notes do not adequately spell out the treatment of the primary secured claim to Wells Fargo Bank, the senior secured lender for the loan on debtor's residence. The disclosure statement should have a more detailed description of how this claim will be treated under the plan. The plan itself is not much better. It is hard to tell what is being proposed for treatment of the claim. The disclosure statement and plan will have to be revised for sake of clarity. If this is a cramdown situation, it does not appear that a 40 year payout is fair and equitable for this creditor, and debtor should probably consider taking out this creditor when the loan matures under the existing terms. Appearances are required on 3/21/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Peter G. Kudrave

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-21123 JC Fits, Inc.**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/29/19, 8/14/19, 8/28/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/25/19. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 2/4/19. No tentative ruling on the merits. Appearances are required on 2/6/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/14/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/17/18. No tentative ruling on the merits. Appearances are required on 9/19/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/30/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... JC Fits, Inc.**

**Chapter 11**

Prior tentative ruling as of 3/26/18. No tentative ruling on the merits. Appearances are required on 3/28/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report proposing a claims bar date of 1/24/18 with notice being served by 11/8/17 and a disclosure statement filing deadline of 2/28/18. These dates are satisfactory, and debtor should submit a proposed scheduling order. Appearances are required on 11/1/17 to discuss scheduling of further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

JC Fits, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#10.00** Cont'd hearing re: Disclosure statement  
fr. 6/27/19, 7/17/19, 8/21/19

Docket 277

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00  
a.m. per stip & order entered on 9/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

Prior tentative ruling as of 5/14/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#11.00** Cont'd hearing re: Creditor Cong Ty May Vietmy's motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19, 8/21/19

Docket 314

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00 a.m. per stip & order entered on 9/24/19-mb**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#12.00** Cont'd hearing re: Creditor Shen-Shaoxing Tuchang Knitting Textile Co., Ltd.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19, 8/21/19

Docket 316

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00 a.m. per stip & order entered on 9/24/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#13.00** Cont'd hearing re: Creditor Gia Phu Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19, 8/21/19

Docket 312

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00 a.m. per stip & order entered on 9/24/19-mb**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#14.00** Cont'd hearing re: Creditor Baldwin Sun Inc.'s motion to allow late filed claims pursuant to Federal Rules of Bankruptcy Procedure Rule 9006(b) fr. 7/17/19, 8/21/19, 8/21/19

Docket 310

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00 a.m. per stip & order entered on 9/24/19-mb**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11475 Catherine Trinh**

**Chapter 11**

**#15.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/17/19, 8/21/19, 10/23/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/23/19 to 2/19/20 at 11:00  
a.m. per stip & order entered on 9/24/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No appearances are required on 10/23/19.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/23/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 7/13/18 and proposed date for filing a disclosure statement of 6/4/18 seem reasonable. Appearances are required on 4/11/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Catherine Trinh

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Catherine Trinh**

Alan W Forsley

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-12224 Raeksi Group, Inc**

**Chapter 11**

**#16.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 3/6/19, 4/17/19, 8/14/19

Docket 82

**Tentative Ruling:**

Updated tentative ruling as of 10/21/19. No tentative ruling on the merits. Appearances are required on 10/23/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/12/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Raeksi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, October 23, 2019**

**Hearing Room 1675**

11:30 AM

**2:19-19679 Nora Magdalena Lavie**

**Chapter 7**

**#17.00** Cont'd status conference re: Involuntary petition  
fr. 10/1/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 10/21/19. Appearances are required on 10/23/19.

**Party Information**

**Debtor(s):**

Nora Magdalena Lavie

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 24, 2019**

**Hearing Room 1675**

10:00 AM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#1.00** CONT'D EVIDENTIARY HEARING RE: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142 fr. 5/15/19, 7/19/19, 9/12/19

Docket 2423

**\*\*\* VACATED \*\*\* REASON: Cont'd from 10/24/19 to 11/21/19 at 1:30 p.m. per stip & order entered on 9/27/19-mb.**

**Courtroom Deputy:**

**[Cont'd from 10/24/19 to 11/21/19 at 1:30 p.m. per stip & order entered on 9/27/19]**

**Tentative Ruling:**

Updated tentative ruling as of 10/16/19. Off calendar. Continued by stipulation and order to 11/21/19 at 1:30 p.m. No appearances are required on 10/24/19.

Prior tentative ruling as of 7/15/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 7/19/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 24, 2019**

**Hearing Room 1675**

10:00 AM

**CONT...**      **Art and Architecture Books of the 21st Century and 400 S.**      **Chapter 11**  
prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, October 24, 2019**

**Hearing Room 1675**

4:00 PM

**2:19-19624 Nana Baidoobonso I AM**

**Chapter 7**

**#2.00** Hearing re: Emergency motion of trustee for order authorizing trustee to access debtor storage facilities, including breaking of locks, and to seize property

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Nana Baidoobonso I AM

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se





**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 29, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-15217 Melody Shabpareh**

**Chapter 7**

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

**#1.00** Pretrial conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(8) fr. 10/9/18, 1/29/19, 4/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Hearing rescheduled from 10/29/19 to 11/5/19 at 2:00 p.m. per notice filed on 7/8/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/28/19. Off calendar. Rescheduled by prior notice to 11/5/19 at 2:00 p.m. No appearances are required on 10/29/19.

Prior tentative ruling as of 4/15/19. The court has reviewed the joint status report. Set a discovery cutoff date of 8/31/19, and a pretrial conference on 10/29/19 at 2:00 p.m. with a filing deadline for a joint pretrial stipulation on 10/22/19. Appearances are required on 4/16/19 to discuss scheduling and plaintiff's request for mediation, but counsel may appear by telephone.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 10/9/18 to discuss scheduling of further proceedings, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Melody Shabpareh

Represented By

Thomas E Brownfield

**Defendant(s):**

NELNET EDUCATION LOAN

Pro Se

University of Phoenix, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 29, 2019**

**Hearing Room 1675**

---

2:00 PM

**CONT... Melody Shabpareh**

**Chapter 7**

**Plaintiff(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 29, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

Adv#: 2:18-01302 Klein et al v. Safyari et al

**#2.00** Pretrial conference re: Complaint for: 1. determination of nondischargeability (11 U.S.C. §523(a)(2)(A); 2. determination of nondischargeability (11 U.S.C. §523(a)(4); and, 3. recovery of property (F.R.B.P. 9001(1)) fr. 11/27/18, 5/14/19, 6/11/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Hearing rescheduled from 10/29/19 to 11/5/19 at 2:00 p.m. per notice filed on 7/8/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 10/28/19. Rescheduled by prior notice to 11/5/19 at 2:00 p.m. No appearances are required on 10/29/19.

Prior tentative ruling as of 6/10/19. Set a discovery cutoff date of 8/31/19 and a pretrial conference for 10/29/19 at 2:00 p.m. A joint pretrial stipulation must be filed by 10/22/19. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. No tentative ruling on the merits. Appearances are required on 5/14/19 to address why monetary sanctions of \$100 should not be imposed against counsel for each party, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19, order the matter to mediation, the parties to select a mediator and alternate by 12/31/18 and complete mediation by 5/14/19 and set a post-discovery status conference for 5/14/19 at 1:30 p.m. and deadline for filing a further joint status report of 5/7/19. Appearances are required on 11/27/18, but counsel may appear by telephone. Plaintiff to lodge a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, October 29, 2019**

**Hearing Room 1675**

---

2:00 PM

**CONT... Ben B. Safyari**

**Chapter 11**

**Defendant(s):**

Ben B. Safyari Pro Se

ADY PROPERTY, LLC a California Pro Se

**Plaintiff(s):**

Joe Klein Represented By  
Niv V Davidovich

MJK 18, LLC a Nevada limited Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-17759 SAP DIGITAL CORP.**

**Chapter 7**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(Ford Motor Credit Company LLC VS Debtor)  
fr. 10/1/19

Docket 8

**\*\*\* VACATED \*\*\* REASON: Notice of voluntary dismissal filed on  
10/4/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by notice of voluntary dismissal filed on  
10/4/19. No appearances are required on 11/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

SAP DIGITAL CORP.

Represented By  
Jonathan J. Lo

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19085 Edik Gharamanian**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtor)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Edik Gharamanian

Represented By  
Sevan Gorginian

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19147 Milagro Diaz and Myron Ediberto Diaz Monteroso**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Southland Credit Union VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|              |        |
|--------------|--------|
| Milagro Diaz | Pro Se |
|--------------|--------|

**Joint Debtor(s):**

|                               |        |
|-------------------------------|--------|
| Myron Ediberto Diaz Monteroso | Pro Se |
|-------------------------------|--------|

**Movant(s):**

|                        |                                 |
|------------------------|---------------------------------|
| Southland Credit Union | Represented By<br>Karel G Rocha |
|------------------------|---------------------------------|

|                        |                |
|------------------------|----------------|
| Southland Credit Union | Represented By |
|------------------------|----------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Milagro Diaz and Myron Ediberto Diaz Monteroso  
Karel G Rocha**

**Chapter 7**

**Trustee(s):**

Heide Kurtz (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19412 Luis Felipe Velasquez and Griselda Eloisa Velasquez**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(The Bank of New York Mellon VS Debtors)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. Deny relief pursuant to 11 U.S.C. 362(d)(2) because valuation opinion to show lack of equity in collateral not signed under declaration of penalty of perjury and thus, such opinion is not admissible evidence. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Luis Felipe Velasquez

Represented By  
Jaime A Cuevas Jr.

**Joint Debtor(s):**

Griselda Eloisa Velasquez

Represented By  
Jaime A Cuevas Jr.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Luis Felipe Velasquez and Griselda Eloisa Velasquez**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19541 Matthew Isiah Pineda and Jacqueline Adela Santana**

**Chapter 7**

**#5.00** Hearing re: Motion for relief from stay  
(Santander Consumer VS Debtors)

Docket 15

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Matthew Isiah Pineda

Represented By  
Raymond Perez

**Joint Debtor(s):**

Jacqueline Adela Santana Renteria

Represented By  
Raymond Perez

**Movant(s):**

Santander Consumer USA Inc., dba

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Matthew Isiah Pineda and Jacqueline Adela Santana**

**Chapter 7**

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-19919 Martin Angel, Jr.**

**Chapter 7**

**#6.00** Hearing re: Motion for relief from stay  
(Honda Lease Trust VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Martin Angel Jr.

Represented By  
Lauren M Foley

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21161 Isaura Gabriela Araujo**

**Chapter 7**

**#7.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Isaura Gabriela Araujo

Represented By  
Bernal P Ojeda

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#8.00** Cont'd hearing re: Motion for relief from stay  
(YCCS, LLC VS Debtor)  
fr. 7/30/19

Docket 108

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/5/19 to 11/12/19 at 11:00  
a.m. per stip & order entered on 8/13/19-st**

**Tentative Ruling:**

Updated tentative ruling as of 11/4/19. Off calendar. Continued by stipulation and order to 11/12/19 at 11:00 a.m. No appearances are required on 11/5/19.

Prior tentative ruling. Deny stay relief motion for failure of creditor to meet its burden of proving lack of equity of debtor in collateral under 11 U.S.C. 362(g) (1). Creditor's moving papers on their face show that debtor has equity in the subject property and thus fail to demonstrate lack of equity under 11 U.S.C. 362(d)(2). Moreover, creditor's moving papers lack admissible evidence to demonstrate lack of equity to demonstrate lack of adequate protection under 11 U.S.C. 362(d)(1) because its valuation evidence is not supported by a declaration under penalty of perjury by a qualified valuation expert witness who has conducted a proper valuation analysis based on scientifically accepted valuation principles (i.e., sales comparables analysis) and only consists of hearsay opinions of unknown persons based on unknown analysis. Furthermore, creditor's moving papers on their face fail to demonstrate lack of adequate protection since they indicate a 28% equity cushion to adequately protect its lien interest in the subject property. In re Mellor, 734 F.2d 1396 (9th Cir. 1984). Finally, deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... David Lee**

**Chapter 11**



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #9.00** Status conference re: Plaintiff's complaint for: (1) avoidance of actual fraudulent transfers; (2) avoidance of constructive fraudulent transfers; (3) recovery of avoided transfers; (4) breach of fiduciary duty; (5) recovery of prohibited distributions; (6) unjust enrichment; (7) aiding and abetting breach of fiduciary duty; and (8) substantive consolidation of certain defendants with the debtor's estate

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed the joint status report, noting that pending motions of defendants to dismiss certain claims and motion of third parties to substitute or intervene were noticed for hearing on 11/12/19 at 2:30 p.m. and suggesting that the status conference be continued to that date or some date after. The court takes judicial notice that it had ordered that the hearing on the motion to dismiss as amended in light of the amended complaint was continued to 12/3/19 at 2:30 p.m. Accordingly, the court on its own motion continues the status conference to 12/3/19 at 2:30 p.m. to be conducted with the hearing on the motion to dismiss claims of the amended complaint now set for 12/3/19 at 2:30 p.m. because the ruling on the motion may have an impact on the status of the matter. No appearances are required on 11/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Pro Se

Bahram Bordbar

Pro Se

Malahat Bordbar

Pro Se

Sara Bordbar

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, November 5, 2019

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01250 Goodrich v. EBAY, Inc.

**#10.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542  
fr. 10/1/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/4/19. The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report, stating that defendant has not responded to the complaint, but the parties are exchanging information and plaintiff has granted defendant an informal extension of time to respond to the complaint. No tentative ruling on the merits. Appearances are required on 10/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

EBAY, Inc.

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... SOCALDEAL INC**

**Chapter 7**

Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By

Faye C Rasch

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, November 5, 2019

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01251 Goodrich v. Eghbali

**#11.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. § 547; (2) Recovery of Property Pursuant to 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502(d); and (5) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542  
fr. 10/1/19

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. Appearances are required on 10/22/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Michael Eghbali

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... SOCALDEAL INC**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21152 Alan Eugene Salke**

**Chapter 7**

Adv#: 2:18-01464 Neuger et al v. Salke

**#12.00** Cont'd status conference re: Complaint (i) to determine dischargeability of claims [11 U.S.C. §523]; (ii) Objecting to debtor's discharge [11 U.S.C. §727] fr. 5/7/19, 5/14/19, 6/11/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment for plaintiff entered on 9/3/19-  
mb.**

**Tentative Ruling:**

Off calendar. Judgment entered on 9/3/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Alan Eugene Salke

Represented By  
Simon Aron

**Defendant(s):**

Alan Eugene Salke

Pro Se

**Plaintiff(s):**

Win Neuger

Represented By  
J Scott Bovitz

Marshall Manley

Represented By  
J Scott Bovitz

Peter A. Feinstein, M.D.

Represented By  
J Scott Bovitz

Marshall Manley, Administrator of

Represented By  
J Scott Bovitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22570 Ashley Latimer**

**Chapter 7**

Adv#: 2:19-01284 Avery v. Latimer, III

**#13.00** Status conference re: Complaint: (1) To Avoid Preferences and Recover Fraudulently Transferred Property 11 U.S.C. §§ 544(b); 550; Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. §§ 3001, et seq; (2) For Avoidance of Transfer Under 11 U.S.C. § 544(a)93); (3) For Recovery of Avoided Transfers Under 11 U.S.C. § 550; and (4) To Preserve Transfer for the Benefit of the Estate Pursuant to 11 U.S.C. § 551

Docket 1

**Tentative Ruling:**

Off calendar. The court has reviewed the joint status report. In light of the court's order of 10/24/19 granting defendants' motion to dismiss with leave to amend on certain conditions, the court on its own motion continues the status conference to 12/10/19 at 1:30 p.m. The court waives the requirement of a written joint status report for the status conference on 12/10/19. No appearances are required on 11/5/19.

**Party Information**

**Debtor(s):**

Ashley Latimer

Represented By  
Lane K Bogard

**Defendant(s):**

Robert Whitney Latimer II

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By  
David M Goodrich

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Ryan W Beall  
David M Goodrich



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 11**

Adv#: 2:19-01102 Sunderland et al v. Okland

**#14.00** Cont'd status conference re: Complaint for: (1)-(3) exception to discharge of certain debts [11 U.S.C. §§523(a)(2)(A),(4) and (6); (4)-(7) denial of discharge as to all debts [11 U.S.C. §§727(a)(2)-(5)]  
fr. 6/11/19, 8/13/19, 10/8/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/4/19. No tentative ruling on the merits. Appearances are required on 11/5/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/19. The court has reviewed the joint status report, stating that defendant's counsel has been unable to communicate with his client and may have to file a motion to withdraw. Appearances are required on 10/8/19 to discuss the status of counsel's efforts to communicate with defendant and whether a motion to withdraw will be filed, but counsel may appear by telephone.

Prior tentative ruling as of 8/12/19. Off calendar. Continued by stipulation and order to 10/8/19 at 1:30 p.m. No appearances are required on 8/13/19.

Prior tentative ruling. The court has reviewed plaintiffs' unilateral status report and notes that plaintiffs resubmitted a request for entry of default on 6/7/19. The court on its own motion continues the status conference to 8/13/19 at 1:30 p.m. in order for plaintiffs' request for entry of default be considered by the court and for plaintiffs to prepare and file a motion for entry of default judgment. No appearances are required on 6/11/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Dean Henrik Okland

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Dean Henrik Okland**

**Chapter 11**

**Defendant(s):**

Dean Henrik Okland

Represented By  
Roksana D. Moradi-Brovia

**Plaintiff(s):**

Jennifer Sunderland

Represented By  
Kimberly Wright

James Farrow

Represented By  
Kimberly Wright

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-13487 Georgie Charlie Chong Putera**

**Chapter 7**

Adv#: 2:19-01198 Wheel Group Holdings, LLC v. Chong Putera

**#15.00** Cont'd status conference re: Complaint to determine dischargeability of debtor  
[11 U.S.C. §523(a)(6)]  
fr. 9/3/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/4/19. The court will conduct the status conference at 2:00 p.m. with the hearing on the motion to dismiss the amended complaint which will be advanced from the 2:30 p.m. calendar to 2:00 p.m. No tentative ruling on the merits as to the status conference. Appearances are required on 11/5/19 at 2:00 p.m., but counsel may appear by telephone.

Prior tentative ruling as of 8/30/19. Appearances are required on 9/3/19, but counsel may appear by telephone.

The court notes some proofreading deficiencies in the caption of the joint status report: (1) there is a fictitious bar number for Attorney Horowitz since California bar numbers are not yet in the 900,000s; (2) the name of plaintiff's law firm is spelled wrong. On page 2, item B.2, plaintiff refers to taking third party discovery by "spuboena." On page 3, item E.1, there is a reference to informal settlement discussions before and after the "Bankruptcy cse" was filed. Pleadings filed with the court should be proofread carefully before submission. While these deficiencies are not material, they indicate a lack of care in preparing court documents and do not reflect well on the drafter.

**Party Information**

**Debtor(s):**

Georgie Charlie Chong Putera

Represented By  
Eliza Ghanooni

**Defendant(s):**

Georgie Charlie Chong Putera

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Georgie Charlie Chong Putera**

**Chapter 7**

**Plaintiff(s):**

Wheel Group Holdings, LLC

Represented By  
Leslie R Horowitz

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

Adv#: 2:19-01286 EAST WEST BANK v. You

**#16.00** Status conference re: Complaint for the determination of the nondischargeability of debt under 11 U.S.C. §523

Docket 1

**Tentative Ruling:**

Corrected tentative ruling as of 11/5/19. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Plaintiff should be prepared to discuss the impact of the court's order of 10/30/19 approving the stipulation between Debtor and the Chapter 7 Trustee waiving Debtor's discharge in the underlying bankruptcy case. Appearances are required on 11/5/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Defendant(s):**

Daniel Hyun You

Pro Se

**Plaintiff(s):**

EAST WEST BANK

Represented By  
Anthony J Napolitano

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Laila Masud  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16082 Christopher A. Castanon**

**Chapter 7**

Adv#: 2:19-01291 Avery (TR) v. Dominguez

**#17.00** Status conference re: Complaint to: (1) avoid, recover, and preserve actual fraudulent transfers; (2) avoid recover, and preserve constructive fraudulent transfers; (3) avoid, recover, and preserve preferential transfers; and (4) for turnover of property of the estate

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/5/19 to 11/19/19 at 1:30 p.m.  
per stip & order entered on 9/25/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 11/19/19 at 1:30 p.m. No appearances are required on 11/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Christopher A. Castanon

Represented By  
Steven B Lever

**Defendant(s):**

Nayeli Dominguez

Pro Se

**Plaintiff(s):**

Wesley H. Avery (TR)

Represented By  
Laila Masud  
Chad V Haes

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
D Edward Hays  
Chad V Haes  
Laila Masud

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:00 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#18.00** Cont'd hearing re: Motion of defendants to compel plaintiff vexatious litigant to post security, and to restrict plaintiff's future filings, pursuant to C.C.P. Section 391 fr. 8/13/19, 9/10/19

Docket 6

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/5/19 to 1/8/20 at 2:00 p.m.  
per order entered on 10/23/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/5/19. Off calendar. Continued to 1/8/20 at 2:00 p.m. by prior order of the court pending a ruling on the motion to recuse by Judge Brand. No appearances are required on 11/5/19.

Prior tentative ruling as of 9/9/19. No tentative ruling on the merits. The matter is still staying pending a ruling by Judge Brand on Plaintiff's motion to recuse the assigned judge. Appearances are required on 9/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Off calendar. The court on its own motion has issued an order continuing the hearing on the motion to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... C & M Russell, LLC**  
SulmeyerKupetz, APC

Represented By  
David J Richardson

**Chapter 11**

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:00 PM

**2:11-53845 C & M Russell, LLC**

**Chapter 11**

Adv#: 2:19-01205 Evans et al v. Tippie et al

**#19.00** Cont'd status conference re: Removal of action to United States Bankruptcy Court  
Pursuant to 28 U.S.C. §1452(a)  
fr. 8/13/19, 9/10/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/5/19 to 1/8/20 at 2:00 p.m.  
per order entered on 10/23/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/5/19. Off calendar. Continued to 1/8/20 at 2:00 p.m. by prior order of the court pending a ruling on the motion to recuse by Judge Brand. No appearances are required on 11/5/19.

Prior tentative ruling as of 9/9/19. No tentative ruling on the merits. The matter is still staying pending a ruling by Judge Brand on Plaintiff's motion to recuse the assigned judge. Appearances are required on 9/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Off calendar. The court on its own motion has issued an order continuing the status conference in this adversary proceeding to 9/10/19 at 2:30 p.m. pending resolution of Plaintiff's motion to recuse the assigned judge. No appearances are required on 8/13/19.

**Party Information**

**Debtor(s):**

C & M Russell, LLC

Represented By  
Alan G Tippie  
Elizabeth Jiang

**Defendant(s):**

Alan G. Tippie

Represented By  
David J Richardson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... C & M Russell, LLC**  
SulmeyerKupetz, APC

Represented By  
David J Richardson

**Chapter 11**

**Plaintiff(s):**

Mattie Belinda Evans

Pro Se

C & M Russell, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-15217 Melody Shabpareh**

**Chapter 7**

Adv#: 2:18-01253 Shabpareh v. NELNET EDUCATION LOAN NETWORK dba NELNET,

**#20.00** Cont'd pretrial conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523(a)(8) fr. 1/29/19, 4/16/19, 10/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: United State Department of Education dismissed per stip & order entered on 9/24/19-mb.**

**Tentative Ruling:**

Off calendar. The adversary proceeding was dismissed by stipulation and order. No appearances are necessary.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Defendant(s):**

NELNET EDUCATION LOAN

Pro Se

University of Phoenix, Inc.

Pro Se

**Plaintiff(s):**

Melody Shabpareh

Represented By  
Thomas E Brownfield

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18712 Ben B. Safyari**

**Chapter 11**

Adv#: 2:18-01302 Klein et al v. Safyari et al

**#21.00** Pretrial conference re: Complaint for: 1. determination of nondischargeability (11 U.S.C. §523(a)(2)(A); 2. determination of nondischargeability (11 U.S.C. §523(a)(4); and, 3. recovery of property (F.R.B.P. 9001(1)) fr. 5/14/19, 6/11/19, 10/29/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case dismissed per order entered on 7/30/19-mb.**

**Tentative Ruling:**

Off calendar. The adversary proceeding is moot because the underlying bankruptcy case was dismissed. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Ben B. Safyari

Represented By  
Raymond H. Aver

**Defendant(s):**

Ben B. Safyari

Pro Se

ADY PROPERTY, LLC a California

Pro Se

**Plaintiff(s):**

Joe Klein

Represented By  
Niv V Davidovich

MJK 18, LLC a Nevada limited

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#22.00** Hearing re: Motion for partial summary adjudication of plaintiff's amended complaint

Docket 120

**Tentative Ruling:**

Revised tentative ruling as of 11/5/19 at 9:30 a.m.

Overrule defendants' objections to declaration of Michelle McArn.

Sustain plaintiff's objections to declaration of Phillip White on grounds of relevance and hearsay since testimony does not relate to issue of perfection and notice of defendants' alleged mechanics lien.

Sustain plaintiff's objections to declaration of Sherman Lee on grounds of relevance and hearsay since testimony does not relate to issue of perfection and notice of defendants' alleged mechanics lien.

Overrule plaintiff's objection to page 15, line 11 of declaration of Greta Curtis ("Exhibit C"), sustain objection to page 17, line 17 (part 1) of this declaration on grounds of lack of foundation, and sustain other objections to this declaration on grounds of relevance and hearsay since testimony does not relate to issue of perfection and notice of defendants' alleged mechanics lien.

Grant plaintiff's motion for partial summary adjudication for the reasons stated in the moving and reply papers. Defendants' arguments do not address the uncontroverted facts that defendants did not meet the timeliness requirements of 11 U.S.C. 546(b)(2) and California Civil Code Section 8460 as shown by the exhibits attached to the Fritz Declaration, including the Superior Court documents, such as the complaint and docket for the mechanic lien enforcement action, and the recorded notice of mechanics lien. Defendants' request for continuance for discovery would not assist them in defending the motion for purposes of FRBP 7056 and FRCP 56(d) because such discovery was to prove some larceny claim against debtor rather than proving a properly perfected mechanics lien which is the matter now at issue

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

before the court. Defendants' argument that the summary judgment motion deadline of FRBP 7056 should be disregarded in favor of the one in FRCP 56(b) is not supported by any cited legal authority, and such argument is contrary to the express language of FRBP 7056 which applies to adversary proceedings such as this one.

However, the references to Exhibits 17 and 18 in the Fritz Declaration in proposed statement of undisputed facts no. 20 regarding the claims bar date are incorrect. The court did not see the notice of claims bar date as an exhibit, but the court could take judicial notice of it as Docket No. 30 in the main bankruptcy case. The claims bar date was authorized by oral ruling at the status conference on 2/28/18.

Plaintiff's proposed order on the motion for partial summary judgment probably should not be called "Summary Judgment on Partial Adjudication." The court is not sure that it has authority to approve paragraph 7 to require defendants to remove the disputed lien now before entry of final judgment since the granting of the motion for partial summary adjudication is not the final judgment in the adversary proceeding as there are unresolved claims of the amended complaint (Claims 1 and 5 and possibly 6 remain unresolved).

The court is inclined to award reasonable attorneys' fees if the motion is granted. However, Plaintiff will need to file an application for fees with billing entries so the court can examine the reasonableness of the fees on regular notice, and defendants will need to interpose any objections to the application pursuant to the time limits provided under the local rules.

If the court grants the motion as set forth in the tentative ruling, the court and the parties will have to discuss the impact of the ruling on the pretrial conference scheduled for 11/12/19 at 2:00 p.m.

Appearances are required on 11/5/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#23.00** Cont'd hearing re: Motion of GemCap Lending I, LLC to alter or amend the sale order pursuant to Bankruptcy Rule 9023, or in the alternative, for relief from the sale order pursuant to Bankruptcy Rule 9024  
fr. 8/20/19, 9/10/19, 10/2/19

Docket 323

**\*\*\* VACATED \*\*\* REASON: Notice of voluntary dismissal filed on 10/17/19-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed by notice filed on 10/17/19. No appearances are necessary.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-24491 George Amir Michael**

**Chapter 7**

**#24.00** Hearing re: Chapter 7 trustee's motion for approval of stipulation re compromise of claims related to attorneys fees awarded arising out of state court case (BC596303) between trustee and Campbell & Farahani, LLP

Docket 21

**Tentative Ruling:**

Grant trustee's motion to approve stipulation re: compromise of claims relating to attorneys' fees awarded in state court case for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 11/5/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

George Amir Michael

Represented By  
Michael Jay Berger

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13487 Georgie Charlie Chong Putera**

**Chapter 7**

Adv#: 2:19-01198 Wheel Group Holdings, LLC v. Chong Putera

**#25.00** Cont'd hearing re: Motion of defendant Georgie Charlie Chong Putera to dismiss first amended complaint pursuant to F.R.C.P. 12(b)(6) fr. 10/22/19

Docket 20

**Tentative Ruling:**

The court advances the hearing on defendant's motion to dismiss the amended complaint to its 2:00 p.m. calendar to be conducted with the status conference on calendar on 11/5/19. Grant motion to dismiss for the reasons stated in the moving papers because the amended complaint fails to allege facts that support an enforceable claim of plaintiff under state law against defendant which would be nondischargeable. As observed by one bankruptcy law treatise, "[c]reditors seeking a nondischargeability judgment must first establish an enforceable claim under state law (whether or not the claim has been filed in the bankruptcy proceeding)." 4 March, Ahart and Shapiro, Rutter Group Practice Guide: Bankruptcy, paragraph 22-1641 (2018). This is so because the statutory language of 11 U.S.C. 523 does not provide for the creation of debts, but rather for determination of such existing debts as nondischargeable under certain conditions. Del Bino v. Bailey (In re Bailey), 197 F.3d 997, 1001 (9th cir. 1999)(bankruptcy law governs whether a claim is nondischargeable pursuant to 11 U.S.C. 523, state law determines whether a creditor has a claim against debtor, such as for the tort of conversion.); see also, Lockerby v. Sierra, 535 F.3d 1038 (9th Cir. 2008) (a cause of action for willful and malicious injury under 11 U.S.C. 523(a)(6) must be supported by misconduct rising to the level of a tort under state law).

Plaintiff in the amended complaint in paragraphs 7, 8 and 15 apparently alleges that defendant made fraudulent representations to plaintiff that plaintiff owed his company twice for double-billing for shipping services and for receiving payment on shipping services, but not paying the subcontractor which actually shipped plaintiff's goods, which false representations would support claims of willful and malicious injury. However, the amended complaint does not allege any facts that defendant made such

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, November 5, 2019

Hearing Room 1675

2:30 PM

CONT... **Georgie Charlie Chong Putera**

Chapter 7

misrepresentations. The amended complaint just conclusorily alleges that defendant made misrepresentations, but does not refer to any state law tort standard. The amended complaint does not allege facts to support the elements of a claim of fraudulent misrepresentation under state law: (1) misrepresentation (false representation, concealment or nondisclosure); (2) knowledge of falsity (or scienter); (3) intent to defraud; (d) justifiable reliance; and (5) resulting damage. *Engalla v. Permanente Medical Group, Inc.*, 15 Cal.4th 951, 974 (1997).

Because it appears at this time further amendment would not be futile to allege factual allegations of misrepresentations, the court would grant leave for plaintiff to amend once more pursuant to FRCP 15(a)(2). Plaintiff to file and serve a further amended complaint within 30 days. Appearances are required on 11/5/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Georgie Charlie Chong Putera

Represented By  
Eliza Ghanooni

**Defendant(s):**

Georgie Charlie Chong Putera

Represented By  
Matthew D. Resnik  
M. Jonathan Hayes

**Plaintiff(s):**

Wheel Group Holdings, LLC

Represented By  
Leslie R Horowitz  
Stephen E Hyam

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 5, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#26.00** Hearing re: Motion of petitioning creditor to compel debtor to comply with discovery pursuant to FRCP 37(a)

Docket 64

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/05/19 to 12/4/19 at 1:30 p.m.  
per order entered on 10/17/19-mb.**

**Tentative Ruling:**

Off calendar. The hearing was continued to 12/4/19 at 1:30 p.m. by prior order. No appearances are required on 11/5/19.

**Party Information**

**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/17/19, 6/26/19, 8/28/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/6/19 to 12/11/19 at 11:00  
a.m. per stip & order entered on 10/2/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/4/19. Off calendar. Continued by stipulation and order to 12/11/19 at 11:00 a.m. No appearances are required on 11/6/19.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, November 6, 2019

Hearing Room 1675

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#2.00** Hearing re: Application for payment of final fees and/or expenses for Giovanni Orantes, debtor's attorney

Docket 96

**Tentative Ruling:**

Approve final fee application of general bankruptcy counsel for debtor in possession for the reasons stated in the application and for lack of timely written opposition. Appearances are optional on 11/6/19, but applicant may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**Movant(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Giovanni Orantes  
Giovanni Orantes  
Luis A Solorzano  
Luis A Solorzano  
Luis A Solorzano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, November 6, 2019

Hearing Room 1675

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#3.00** Hearing re: Motion for entry of final decree, discharge, and order closing debtors' chapter 11 case

Docket 98

**Tentative Ruling:**

Grant debtor's motion for final decree, entry of discharge and order closing case for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 11/6/19, but counsel may appear by telephone. Counsel to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano

**Movant(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Giovanni Orantes  
Giovanni Orantes  
Luis A Solorzano  
Luis A Solorzano  
Luis A Solorzano

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 6, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#4.00** Hearing re: Disclosure statement

Docket 67

**\*\*\* VACATED \*\*\* REASON: Rescheduled from 11/6/19 to 12/4/19 at 11:00  
a.m. per notice filed on 11/1/19-mb.**

**Tentative Ruling:**

Off calendar. Motion renoticed for hearing on 12/4/19 at 11: 00 a.m. No  
appearances are required on 11/6/19.

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|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20078 Rodolfo Manuel Villasenor and Martha Jessica Villasenor**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(American Honda Finance Corporation VS Debtors)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Rodolfo Manuel Villasenor

Represented By  
Daniel King

**Joint Debtor(s):**

Martha Jessica Villasenor

Represented By  
Daniel King

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By  
Vincent V Frounjian

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Rodolfo Manuel Villasenor and Martha Jessica Villasenor**

**Chapter 7**

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20579 Jose Gerson Zetina**

**Chapter 7**

**#2.00** Cont'd hearing re: Motion for relief from stay  
(Sierra Credit Corporation VS Debtor)  
fr. 10/22/19

Docket 8

**Tentative Ruling:**

Updated tentative ruling as of 11/8/19. The court notes that an order dismissing the bankruptcy case for failure of debtor to appear at the meeting of creditors under 11 U.S.C. 341(a) was filed on 11/4/19, stating that all pending motions and adversary proceedings are moot and dismissed. If movant believes that the motion is not moot or otherwise it is entitled to an order granting stay relief despite dismissal of the case, movant can appear and be heard on 11/12/19. Appearances are optional on 11/12/19, but counsel may appear by telephone. If no appearance is made, the court will deny the motion is moot.

Prior tentative ruling as of 11/7/19. Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

Prior tentative ruling. Movant has not filed adequate evidence of standing. The third party lien and title information report is not a properly authenticated

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

10:30 AM

**CONT... Jose Gerson Zetina**

**Chapter 7**

certificate of title pursuant to Federal Rules of Evidence 901 and 902.  
Appearances are required on 10/22/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Jose Gerson Zetina

Represented By  
Nicholas Nicholas Wajda

**Movant(s):**

Sierra Credit Corporation

Represented By  
Adam N Barasch

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21604 Roberto Adrian Barrena, Sr. and Jacqueline Nacilla**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Cab West, LLC VS Debtor)

Docket 8

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Roberto Adrian Barrena Sr.

Represented By  
Joseph Collier

**Joint Debtor(s):**

Jacqueline Nacilla Barrena

Represented By  
Joseph Collier

**Movant(s):**

Cab West LLC

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Roberto Adrian Barrena, Sr. and Jacqueline Nacilla**

**Chapter 7**

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(YCCS, LLC VS Debtor)  
fr. 7/30/19, 11/5/19

Docket 108

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/12/19 to 11/14/19 at 11:30  
a.m. per stip & order entered on 11/8/19-pp**

**Tentative Ruling:**

Updated tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/14/19 at 11:30 a.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 11/7/19. Having read the supplemental briefs filed by the parties, at this time, the court is inclined to agree with debtor that the motion is premature because he still has time to cure and pay off movant's lien to secure the loan on debtor's principal residence before it matures on 12/1/19 and would deny the motion without prejudice or continue with movant's consent the hearing to after the maturity date because debtor seeks to recover the equity in the property for the estate. (The court notes that debtor filed a motion for approval of postpetition financing to approve a new loan to take out the existing loans on the property on 11/7/19, which has been set for hearing on shortened notice on 11/14/19 at 11:30 a.m.) However, past the maturity date, the limited case law on point favors movant's position that cause is shown for stay relief because the failure to pay off the loan by the maturity date is an incurable default which cannot be cured by any Chapter 11 plan because any plan that does not pay off the loan by the maturity date is an impermissible modification of movant's lien rights contrary to 11 U.S.C. 1123(b)(5). In re Crump, 529 B.R. 106 (Bankr. D. S.C. 2015); In re Sampson, 2018 WL 4786404 (Bankr. M.D. Fla. 2018); In re Clay, 204 B.R. 786 (Bankr. N.D. Ala. 1996); see also, Worthington v. General Motors Corp. (In re Claremont Acquisition Corp.), 113 F.3d 1029 (9th Cir. 1997). These cases note that the statutory exception in Chapter 13 cases to extend a due date of a maturing loan on the debtor's principal residence does not apply to Chapter 11 cases, indicating that Congress did not mean to provide for such exception for Chapter 11 plans. Appearances are required on 11/12/19, but counsel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**     **David Lee**  
may appear by telephone.

**Chapter 11**

Prior tentative ruling. Deny stay relief motion for failure of creditor to meet its burden of proving lack of equity of debtor in collateral under 11 U.S.C. 362(g) (1). Creditor's moving papers on their face show that debtor has equity in the subject property and thus fail to demonstrate lack of equity under 11 U.S.C. 362(d)(2). Moreover, creditor's moving papers lack admissible evidence to demonstrate lack of equity to demonstrate lack of adequate protection under 11 U.S.C. 362(d)(1) because its valuation evidence is not supported by a declaration under penalty of perjury by a qualified valuation expert witness who has conducted a proper valuation analysis based on scientifically accepted valuation principles (i.e., sales comparables analysis) and only consists of hearsay opinions of unknown persons based on unknown analysis. Furthermore, creditor's moving papers on their face fail to demonstrate lack of adequate protection since they indicate a 28% equity cushion to adequately protect its lien interest in the subject property. In re Mellor, 734 F.2d 1396 (9th Cir. 1984). Finally, deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 7/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1639 Calendar**

Tuesday, November 12, 2019

Hearing Room 1639

11:00 AM

2:19-10119 David Lee

Chapter 11

#5.00 Cont'd hearing re: Motion for relief from stay  
(MMRC, LLC VS Debtor)  
fr. 8/13/19

Docket 127

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/12/19 to 11/14/19 at 11:30  
a.m. per stip & order entered on 11/8/19-pp**

**Tentative Ruling:**

Updated tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/14/19 at 11:30 a.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 11/7/19. The court is inclined to deny the stay relief motion for now because debtor is the indirect beneficial owner of real property as the 100% shareholder of the entity that holds title to the property and that he is seeking to have the entity dissolved and/or have the property transferred by the entity to him. Thus, it appears to the court that the estate has an indirect beneficial interest in the property which is property of the estate under the particular circumstances of this case. Debtor is taking steps to realize potential value in the property he indirectly owns to pay off the existing lien to movant and to pay other creditors, and it seems plausible that he could fix and flip the property for a profit to pay creditors. Debtor argues that his burden "is merely show that SOME Plan is not 'patently unconfirmable.'" Further Opposition, ECF 184 at 4; see also, Movant's Supplemental Brief, ECF 172 at 3, citing *In re Sun Valley Newspapers, Inc.*, 171 B.R. 71, 75 (9th Cir. BAP 1994)(cited for the proposition that debtor must make a showing that a proposed or contemplated plan is not patently unconfirmable and has a realistic chance of being confirmed). The court would not put it that way, but rather as the Ninth Circuit stated in *In re Bonner Mall Partnership*, 2 F.3d 899, 902 n. 4 (9th Cir. 1993), "[a] debtor must, however, produce some evidence that its plan could be confirmed by a reasonable bankruptcy judge." Debtor's declaration in opposition indicates some evidence that a fix and flip for the property could be part of a confirmable plan. The court agrees with debtor that movant's claim could be modified despite it being a matured loan and an appropriate cramdown rate of interest can be proposed in a plan and

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 12, 2019

Hearing Room 1639

11:00 AM

CONT...

David Lee

Chapter 11

that adequate protection is not necessary where the creditor is undersecured based on the "as is" valuation of the property. The court notes that debtor in his further opposition to reply, ECF 193, stated that he was going to refinance the loan to pay off movant in full, but provided no specific details, and that previously debtor stated that he was obtaining construction financing in his original opposition, ECF 141. The court was contemplating denying the motion without prejudice and allow 3 months for debtor to formulate a course of action for fixing and flipping the property or for obtaining a refinancing loan. The issue of the effectiveness of the transfer of the property to debtor from the entity or the dissolution of the entity is material as to whether or not there can be a refinancing loan or a construction loan. Given that 3 months from now will be the one year anniversary of the case, that should be enough time to know whether there will be a viable project for the property or not, that is, whether a plan could be confirmed by a reasonable bankruptcy judge as to the property. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Sustain debtor's objection to appraisal report of movant's appraiser, Eric Burroughs, for the reasons stated in the objection and for lack of compliance with 28 U.S.C. 1746(2) and Local Bankruptcy Rule 5005-4 and Court Manual Section 3.4(b) because signature is not under declaration of penalty of perjury and does not conform to requirements of handwritten signature of the non-CM/ECF user witness. Because the appraisal report is not admissible, deny motion for stay relief without prejudice for lack of competent, admissible evidence of valuation to meet movant's burden of proving the lack of equity under 11 U.S.C. 362(d)(1) and (2) and (g) (1). In the reply, movant raises a new argument that the subject property is not property of the estate, which is in violation of Local Bankruptcy Rule 9013-1(g)(4) that "[n]ew arguments or matters raised for the first time in reply documents will not be considered." Movant may reassert this new argument in a new motion since denial of the motion will be without prejudice. Appearances are required on 8/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-55810 Ravinder Singh Athwal and Mandeep Kaur Athwal**

**Chapter 7**

**#5.10** Hearing re: Amended motion to avoid lien under 11 USC 522(f) (REAL PROPERTY) with GE Money Bank

Docket 45

**Tentative Ruling:**

No tentative ruling on the merits. Counsel for Debtor should address the concerns raised in the court's order setting motion for hearing. Appearances are required on 11/12/19, but counsel may and should appear by telephone.

**Party Information**

**Debtor(s):**

Ravinder Singh Athwal

Represented By  
Nicholas M Wajda

**Joint Debtor(s):**

Mandeep Kaur Athwal

Represented By  
Nicholas M Wajda

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-55810 Ravinder Singh Athwal and Mandeep Kaur Athwal**

**Chapter 7**

**#5.20** Hearing re: Amended motion to avoid lien under 11 U.S.C. 522(f) (REAL PROPERTY) with Creditors Trade Association, Inc.

Docket 46

**Tentative Ruling:**

No tentative ruling on the merits. Counsel for Debtor should address the concerns raised in the court's order setting motion for hearing. Appearances are required on 11/12/19, but counsel may and should appear by telephone.

**Party Information**

**Debtor(s):**

Ravinder Singh Athwal

Represented By  
Nicholas M Wajda

**Joint Debtor(s):**

Mandeep Kaur Athwal

Represented By  
Nicholas M Wajda

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

11:00 AM

**2:10-55810 Ravinder Singh Athwal and Mandeep Kaur Athwal**

**Chapter 7**

**#5.30** Hearing re: Amended motion to avoid lien under 11 USC 522(f) (REAL PROPERTY) with Vineyard Springs Estates, LLC

Docket 47

**Tentative Ruling:**

No tentative ruling on the merits. Counsel for Debtor should address the concerns raised in the court's order setting motion for hearing. Appearances are required on 11/12/19, but counsel may and should appear by telephone.

**Party Information**

**Debtor(s):**

Ravinder Singh Athwal

Represented By  
Nicholas M Wajda

**Joint Debtor(s):**

Mandeep Kaur Athwal

Represented By  
Nicholas M Wajda

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:12-29526 Owen James Thornton**

**Chapter 7**

**#6.00** Cont'd hearing re: Motion to avoid lien with Nevi Maddy  
fr. 10/15/19

Docket 26

**Tentative Ruling:**

Updated tentative ruling as of 11/7/19. Creditor Maddy filed the declaration and report of creditor's appraiser on 11/5/19. Parties should address whether an evidentiary hearing is needed on valuation since there may be no need if the parties agree to valuation based on the appraisal report of creditor's expert and then the parties can just argue on the merits of the legal issues. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014. However, the court notes that the valuation report submitted by creditor Maddy is not in admissible form since there is no declaration under penalty of perjury by the real estate agent providing the valuation opinion and that the valuation opinion is not supported by any valuation analysis. The court will allow an opportunity for creditor to obtain an admissible valuation opinion or report. If creditor obtains an admissible valuation opinion, the court will set the matter for an evidentiary hearing, and requests creditor to provide an estimate on how long it will take to obtain the valuation opinion of the agent or an appraiser and such expert's availability to testify. Appearances are required on 10/15/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Owen James Thornton

Represented By  
James K Chang  
Steven A Alpert

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

Adv#: 2:19-01367 Bandy et al v. Okland

**#7.00** Status conference re: Complaint to determine dischargeability of debt  
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4))

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. These dates will likely be moot if a motion for default judgment is filed and ruled upon in the meantime. Appearances are optional on 11/6/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                    |        |
|--------------------|--------|
| Dean Henrik Okland | Pro Se |
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**Defendant(s):**

|                    |        |
|--------------------|--------|
| Dean Henrik Okland | Pro Se |
|--------------------|--------|

**Plaintiff(s):**

|               |                                 |
|---------------|---------------------------------|
| Garrett Bandy | Represented By<br>David S Hagen |
|---------------|---------------------------------|

|                |                                 |
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| Heather Foster | Represented By<br>David S Hagen |
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**Trustee(s):**

|                         |                                      |
|-------------------------|--------------------------------------|
| Howard M Ehrenberg (TR) | Represented By<br>Jeffrey S Shinbrot |
|-------------------------|--------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15989 Briena Sheree Casares**

**Chapter 7**

Adv#: 2:19-01202 Avery v. Casares

**#8.00** Cont'd status conference re: Notice of removal of State Court action to Federal Bankruptcy Court [Los Angeles County Superior Court Case No. RIP 18STPB08328] fr. 8/13/19

Docket 0

**\*\*\* VACATED \*\*\* REASON: Matter remanded per order entered on 9/3/19-mb.**

**Tentative Ruling:**

Off calendar. Matter remanded back to state court. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
|-----------------------|--------|
| Briena Sheree Casares | Pro Se |
|-----------------------|--------|

**Defendant(s):**

|                       |        |
|-----------------------|--------|
| Briena Sheree Casares | Pro Se |
|-----------------------|--------|

**Plaintiff(s):**

|                 |                                |
|-----------------|--------------------------------|
| Wesley H. Avery | Represented By<br>Toan B Chung |
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**Trustee(s):**

|                     |                                |
|---------------------|--------------------------------|
| Wesley H Avery (TR) | Represented By<br>Toan B Chung |
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**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#9.00** Pretrial conference re: Complaint for non-dischargeability of debtor under §523(a)(2)(A) fr. 1/8/19, 3/12/19, 8/13/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/12/19 to 11/19/19 at 2:00 p.m. per stip & order entered on 11/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/19/19 at 2:00 p.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 8/12/19. Appearances are required on 8/13/19, and parties to address the status of mediation, their failure to conduct a meeting of counsel pursuant to LBR 7026-1, the status of discovery and scheduling of further proceedings.

Prior tentative ruling as of 3/11/19. The court has reviewed the joint status report. Set a discovery cutoff date of 7/1/19 and a post-discovery status conference on 7/30/19 at 1:30 p.m. with a joint status report due on 7/23/19. Appearances are required on 3/12/19 to discuss the failure of counsel to have the early meeting of counsel under LBR 7026-1 and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling. The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Martha Alicia Fernandez**

**Chapter 7**

**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

Guadalupe L Cruz

Pro Se

Jose L Cruz

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:00 PM

**2:19-14710 Armando C De La Peza**

**Chapter 7**

**#10.00** Cont'd hearing re: United States Trustee's motion to convert case from chapter 7 to chapter 11 pursuant to 11 U.S.C. section 706(b) fr. 8/13/19, 9/10/19

Docket 16

**\*\*\* VACATED \*\*\* REASON: Matter withdrawn per stip & order entered on 10/7/19-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed, and hearing taken off calendar by prior order. No appearances are necessary.

**Party Information**

**Debtor(s):**

Armando C De La Peza

Represented By  
James R Selth

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:16-15692 Rama Krishna Chaparala**

**Chapter 7**

**#11.00** Hearing re: Third interim application of Buchalter, a professional corporation for allowance and payment of professional fees and reimbursement of expenses as special litigation counsel for Howard M. Ehrenberg, Chapter 7 Trustee

Docket 232

**Tentative Ruling:**

Approve third interim fee application of special litigation counsel for the Chapter 7 Trustee for the reasons stated in the application and for lack of timely written objection. Appearances are optional on 11/12/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Rama Krishna Chaparala

Represented By  
Jeffrey N Wishman  
Leon D Bayer

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Anthony J Napolitano  
Michael Fischer  
Michael Fischer

**United States Bankruptcy Court  
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**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#12.00** Hearing re: Stipulation by Wesley Avery and crash victim claimants conveying standing and objection thereto

Docket 13

**Tentative Ruling:**

No tentative ruling pending review of the reply to defendants' opposition to motion of Crash Victim Plaintiffs (also referred to in the papers as Blackhawk Plaintiffs) to substitute or intervene due on 11/8/19. Appearances are required on 11/12/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Represented By  
Brian L Davidoff

Bahram Bordbar

Represented By  
Brian L Davidoff

Malahat Bordbar

Represented By  
Brian L Davidoff

Sara Bordbar

Represented By  
Brian L Davidoff

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 12, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#13.00** Hearing re: Defendants' motion to dismiss claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure

Docket 10

**Tentative Ruling:**

Off calendar. Continued to 12/3/19 at 2:30 p.m. by prior order. No appearances are required on 11/12/19.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Represented By  
Brian L Davidoff

Bahram Bordbar

Represented By  
Brian L Davidoff

Malahat Bordbar

Represented By  
Brian L Davidoff

Sara Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 12, 2019**

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2:30 PM

**CONT...**

**Prototype Engineering & Manufacturing, Inc.**

Lindsey L Smith

Irving M Gross

**Chapter 7**



**United States Bankruptcy Court  
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**Tuesday, November 12, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#14.00** Hearing re: Motion of Jon and Maria Ternstrom, Cameron and Michelle Witzler, and Colette Carpenter, both individually and in her capacity as administrators of the estates of Clayton O. Carpenter, to substitute trustee as plaintiff or, in the alternative, to intervene

Docket 15

**Tentative Ruling:**

Revised tentative ruling as of 11/11/19:

Pending before the court are: (1) trustee's stipulation conveying standing to the Crash Victim Claimants/Blackhawk Plaintiffs (claimants) for the limited purpose of substituting or joining the trustee as plaintiffs in Adv. No. 19-ap-01332 and the objection thereto by defendants; (2) the motion of Crash Victim Claimants/Blackhawk Plaintiffs to substitute trustee as plaintiff, or in the alternative, to intervene.

Apparently, trustee and claimants seek approval of their stipulation, and based on the stipulation, claimants in their motion seek to substitute for trustee.

The operative provisions of the stipulation which sets forth the terms of the agreement between trustee and claimants lacks clarity as to: (1) who owns the claims; (2) whether trustee remains as a party to the adversary proceeding; (3) who has control over the claims; and (4) how is counsel for claimants to be compensated. These matters need be clarified before the court would approve the stipulation.

FRCP 25(c) though FRBP 7025 permits substitution of a party to a lawsuit who assigns or transfers its interest during the course of the lawsuit. However, the stipulation here provides for a transfer of "standing," which is unclear. Defendants appear to raise a proper technical objection that this is not an "interest" within the meaning of FRCP 25(c) because it appears that trustee is not transferring his interest in the claims in the lawsuit because the stipulation provides for authority of trustee to settle the claims with

**United States Bankruptcy Court  
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Tuesday, November 12, 2019

Hearing Room 1675

2:30 PM

CONT... **Prototype Engineering & Manufacturing, Inc.**

Chapter 7

consultation, but not approval, of claimants. Thus, it is unclear under the stipulation who owns the claims in the lawsuit.

It appears that because the trustee is not transferring his interests in the claims of the lawsuit, he remains a party to the lawsuit, and thus, this would not appear to be a "substitution" within the literal sense under FRCP 25(c).

With respect to who has control over the claims in the lawsuit, since it is unclear who own the claims, it is also unclear who has control over the claims. Under the stipulation, the trustee retains control over the claims because he has authority to settle the claims without approval of claimants, and it would also appear that he still owns the claims.

While the recitals in the stipulation state that claimants will bear the cost of the litigation on behalf of the estate, there is nothing in the operative provisions of the stipulation about how counsel for claimants will be compensated, whether under 11 U.S.C. §§327(c) and 330 or under 11 U.S.C. §§ 503(b)(3)(B) and (b)(4), or otherwise. Since the claims are being prosecuted on behalf of the estate, it is important to know how counsel prosecuting the claims will be compensated for transparency's sake and for the court determine that this would be in the best interests of the estate.

The stipulation does not appear to be an assignment of estate claims which was approved by the Ninth Circuit in *In re P.R.T.C., Inc.*, 177 F.3d 774 (9<sup>th</sup> Cir. 1999).

The stipulation may fall within the creditor recovery model with compensation for claimants' counsel under 11 U.S.C. §§ 503(b)(3)(B) and (b)(4) which was described and approved in *In re Godon, Inc.*, 275 B.R. 555 (Bankr. E.D. Cal. 2002). The claims apparently remain owned by the estate.

Regarding defendants' objections:

That claimants may sue defendants is not a disqualifying conflict of interest. *In re Sarao*, 444 B.R. 496, 499 (Bankr. D. Mass. 2011) ("Anyone representing a trustee in suing a creditor will have a conflict of interest with that creditor.").

That claimants' claims are not liquidated to a judgment is not a disqualifying conflict of interest as most creditor claims are not liquidated to a judgment

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CONT... **Prototype Engineering & Manufacturing, Inc.** Chapter 7

and every creditor by filing of a claim against the estate has a conflict with the estate, which is not a disqualifying conflict. *In re Sarao*, 444 B.R. at 499 ("A creditor's preoccupation with recovering on its claim in a bankruptcy case does not necessarily place it in conflict with other creditors.").

In *In re Parmetex*, 199 F.3d 1029, 1031 (9<sup>th</sup> Cir. 1999), the Ninth Circuit specifically held that although a trustee must generally file an avoidance action in a Chapter 7 bankruptcy case, under the particular circumstances that the trustee stipulated that the creditors could sue on his behalf and the bankruptcy court approved that stipulation, the creditors had standing to bring the suit. As summarized by the Ninth Circuit in *In re Cho*, 9 Fed. Appx. 633, 635 (9<sup>th</sup> Cir. 2001), as a narrow exception to the rule that the trustee only has standing to litigate claims belonging to the estate, the circuit recognized in *Parmatex* that "a creditor does have standing to litigate a claim belonging to the estate where the trustee authorizes the creditor's action, with the bankruptcy court's approval, and the creditor stipulates that the suit is brought on behalf of the estate" and "[i]n limited circumstances, a creditor may move the bankruptcy court to pursue litigation on behalf of the estate even in the absence of the trustee's approval."

*Parmetex* does not specifically limit creditor recovery actions to avoidance claims, although the opinion only discussed avoidance actions. The case of *In re P.R.T.C., Inc.*, 177 F.3d 774, 776-777, 782-783 and n. 1 (9<sup>th</sup> Cir. 1999) upheld the bankruptcy court's approval of a Chapter 7 trustee's assignment of the estate's claims to sue various parties relating to prepetition and postpetition transfers of debtors' and the estates' property, misappropriation of assets of debtors and their estates and usurpation of corporate opportunities of debtors and their estates, which were not limited to avoidance claims.

Other case law generally indicates that a creditor may seek bankruptcy court authorization to bring derivative actions on behalf of the bankruptcy estate. *In re Parmetex*, 199 F.3d at 1031, *citing inter alia*, *In re The Gibson Group, Inc.*, 66 F.3d 1436, 1442 (6<sup>th</sup> Cir. 1995); *In re Xonics Photochemical, Inc.*, 841 F.2d 198, 203 (7<sup>th</sup> Cir. 1988); and *In re Curry and Sorensen, Inc.*, 57 B.R. 824, 828 (9<sup>th</sup> Cir. BAP 1986) (Chapter 11 case); *see also*, *In re Spauding Composites*

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*Co., Inc.*, 207 B.R. 899, 903-904 (9<sup>th</sup> Cir. BAP 1997). In *Curry and Sorenson, Inc.*, the BAP held that a creditor dissatisfied with the lack of action by a debtor in possession may move the bankruptcy court to compel the debtor to act or obtain court permission to bring the action itself, but the creditor must obtain prior court approval before bringing the action itself and the action must be brought in the name of the bankruptcy estate as the real party in interest. See *In re Spauding Composites Co., Inc.*, 207 B.R. at 903-904. In *In re Spauding Composites Co., Inc.*, the BAP upheld the stipulation between the creditors' committee and the debtor in possession for the committee to bring an automatic stay claim belonging to the estate against another creditor on grounds that the bankruptcy court's approval of the stipulation authorizing derivative standing was based on its exercise of judicial oversight to verify that the litigation was necessary and beneficial to the estate and the representation by the creditors' committee did not present undue concerns. *Id.* The BAP in *Spauding Composites* also held that such approval of such derivative standing need not be prior, but may be retroactive. *Id.*

The case of *Bankruptcy Estate of Leachman v. Harris*, 2013 WL 428572 (N.D. Cal. 2013) is distinguishable because in that case, the probability of an actual conflict of interest with the estate disqualified the creditor who was appointed by the bankruptcy court as the agent of the estate to sue another creditor because the other creditor likely had a cross-claim for indemnity against the creditor/agent arising out of the estate's claim. That is not the situation here because there is no showing or indication of any risk of conflict of interest between claimants and the estate arising out of the litigation to be conducted on the estate's claims. Moreover, this case does not support the proposition that derivative standing may not be authorized for nonavoidance actions, which would be inconsistent with other Ninth Circuit and BAP case precedent, such as *In re P.R.T.C., Inc.* and *In re Spauding Composites Co., Inc.*

The case of *In re Chalasani*, 92 F.3d 1300, 1312 (2<sup>nd</sup> Cir. 1996) is distinguishable from this case because that case did not involve a creditor seeking derivative standing in acting on behalf of the bankruptcy estate to litigate the estate's claims, but involved the substitution of one creditor for another in an action to deny a Chapter 7 debtor's discharge under 11 U.S.C.

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Chapter 7

Based on the foregoing, it appears that the court could approve a stipulation between the trustee and the claimants to authorize them to prosecute the estate's claims against defendants on behalf of the estate with the court's approval. However, it would not be this one now before the court in order to meet the court's conditions for approval as set forth in this tentative ruling that the terms of authorization of derivative standing regarding ownership of the claims, trustee's status as a party to the adversary proceeding, control of the claims and compensation for counsel for claimants are matters that need clarification. With respect to FRCP 25(c) substitution, the rule is procedural, and as the Ninth Circuit stated in *In re Bernal*, 207 F.3d 595, 598 (9<sup>th</sup> Cir. 2000), "[t]he rule focuses on what was really going on in this case, and is designed to cope with that." Thus, depending on how the stipulation is eventually amended, claimants would prosecute the claims of the estate either in their name or in the name of the trustee as the real party in interest, meaning substitution under FRCP 25(c) may or may not be necessary.

With respect to the motion to intervene as of right, claimants must satisfy four factors: (1) the motion must be timely; (2) the applicant must claim a "significantly protectable" interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and (4) the applicant's interest must be inadequately represented by the parties to the action. *The Wilderness Society v. U.S. Forest Service*, 630 F.3d 1173, 1177 (9<sup>th</sup> Cir. 2011) (citation omitted).

With respect to the first factor of timeliness, claimants satisfy this factor because: (1) the stage of the proceeding at which an applicant seeks to intervene is early as the case was recently initiated in September 2019 and the pleadings are not yet at issue; (2) there is no prejudice to other parties by the intervention (i.e., by delay in moving to intervene); and (3) the reason for and length of the delay are that there was minimal, if no, delay, and any delay was short, i.e., one month before the motion to intervene was filed. *California Department of Toxic Substances Control v. Commercial Realty Projects, Inc.*, 309 F.3d 1113, 1119 (9<sup>th</sup> Cir.2002).

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With respect to the second factor of significantly protectable interest, claimants satisfy this factor. The "significantly protectable" interest requirement is generally satisfied when the interest is protectable under some law, and there is a relationship between the interest and the claims at issue. *Arakaki v. Cayetano*, 324 F.3d 1078, 1084 (9th Cir. 2003); *Smith v. Pangilinan*, 651 F.2d 1320, 1324 (9th Cir. 1981) —would-be intervenor must show "a protectable interest of sufficient magnitude to warrant inclusion in the action"; see also, Phillips and Stevenson, *Rutter Group Practice Guide: Federal Civil Procedure Before Trial, California and Ninth Circuit Edition*, ¶ 7-213 (online edition, April 2019 update). A significant protectable interest exists here because claimants have a pecuniary interest in the outcome of the litigation based on their claims in the bankruptcy case because property could be recovered on behalf of the estate to pay their creditor claims. *In re Family Christian, LLC*, 530 B.R. 417, 424-425 (Bankr. W.D. Mich. 2015); see also, *Securities and Exchange Commission v. Navin*, 166 F.R.D. 435, 440 (N.D. Cal. 1995) (defrauded investor had significant protectable interest in her fraud claim to intervene in SEC enforcement action against the company on grounds that relief sought by SEC terminating the existing state court receivership and liquidation of assets in the SEC action would affect payment on her claim). The claimants' creditor claims are substantial, \$35 million, though yet to be litigated and liquidated under applicable tort law, and their interest relates to the claims in the litigation because the litigation claims may provide for a recovery on their creditor claims.

With respect to the third factor of disposition of case would as a practical matter impair or impede claimants' ability to protect that interest, claimants satisfy this factor. It must be shown that disposition of the pending action would have a potential adverse impact on the would-be intervenor's interest ... i.e., that it may "as a practical matter impair or impede the movant's ability to protect its interest." Phillips and Stevenson, *Rutter Group Practice Guide: Federal Civil Procedure Before Trial, California and Ninth Circuit Edition*, ¶¶ 7-225, citing *inter alia*, *Securities and Exchange Commission v. Navin*, 166 F.R.D. at 440 and *Cunningham v. David Special Commitment Center*, 158 F.3d 1035, 1038 (9th Cir. 1998).

The Ninth Circuit has rejected the notion that FRCP 24(a)(2) requires a



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specific legal or equitable interest. Phillips and Stevenson, *Rutter Group Practice Guide: Federal Civil Procedure Before Trial, California and Ninth Circuit Edition*, ¶¶ 7-213 and 7-214. "Instead, 'a party has a sufficient interest for intervention purposes if it will suffer a *practical impairment of its interests* as a result of the pending litigation.'" *Id.*, citing and quoting, *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9<sup>th</sup> Cir. 2006) (emphasis added). If the litigation is not pursued for lack of resources, claimants would suffer a practical impairment of their significant protectable interest in their creditor claims as a result of the pending litigation from the loss of the potential recovery through the litigation because only the trustee who lacks litigation resources is the only party who generally has standing to pursue the claims in the pending litigation.

Based on *California ex rel. Lockyer v. United States*, the court rejects defendants' argument that claimants must have a legal right in the estate claims as the term significant protectable interest relates to their creditor claims based on tort law and not in the claims that are in the litigation for which they seek intervention and that such significant protectable interest relates to the pending litigation in which intervention is sought. These are separate concerns which defendants apparently conflate. The case of *Perry v. Schwarzenegger*, 630 F.3d 898, 904 (9<sup>th</sup> Cir. 2011) does not support the proposition argued by defendants that the claimants as the moving parties to intervene must have a legally protectable interest in the subject of the pending case and standing to enforce their legal rights because, one, the opinion does not say that, and two, the case turns on its peculiar circumstances that a deputy county clerk did not have a significant protectable interest in litigation involving the duties of her superior, the county clerk, charged with enforcement of certain state laws.

With respect to the fourth factor of adequacy of representation by existing parties, claimants satisfy this element. Various factors may be considered in determining whether existing parties adequately represent the would-be intervenor's interests, such as whether the interest of an existing party is such that it will "undoubtedly" make all of the proposed intervenor's arguments, whether the existing parties are capable of and willing to make such arguments; whether the intervenor would add some necessary element to the

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suit that would otherwise be neglected, and the most important factor is how the parties' interests compare—if they share the same objectives, a presumption of adequacy of representation exists. Phillips and Stevenson, *Rutter Group Practice Guide: Federal Civil Procedure Before Trial, California and Ninth Circuit Edition*, ¶ 7-237, citing, *Arakaki v. Cayetano*, 324 F.3d at 1086 and *Citizens for Balanced Use v. Montana Wilderness Association*, 647 F.3d 893, 898 (9<sup>th</sup> Cir. 2011). On this record, the court determines that claimants make a compelling showing of this factor of inadequacy of representation to rebut any presumption of adequacy of representation based on the alignment of interests with the trustee because the trustee cannot adequately represent their interests because there are no assets in the estate for him to proceed with the litigation and unless claimants intervene or substitute in the case, the case will not be prosecuted, and any potential recovery would be lost.

Based on the foregoing, the court would grant claimants intervention as of right. Because the court would likely grant intervention as of right, it is not necessary to consider permissive intervention under FRCP 24(b)(2).

The court is inclined to reject the stipulation in its present form, but would allow an opportunity for claimants and the trustee to amend the stipulation to address the court's concerns regarding ambiguities in the stipulation. However, as to the motion, the court deny the motion for substitution without prejudice or continue the hearing for amendment of the stipulation and opportunity to be heard on the amendment, and the court would conditionally grant the motion for intervention as of right based on the requirements of creditor derivative standing under Ninth Circuit case law, such as *Parmatex* are met, including the condition that the suit is brought on behalf of the estate, specifically, that they are litigating the estate's claims on its behalf, that the recovery is for the estate, that there will be no actual conflict of interest between the estate and claimants in the pending litigation and that the actual, necessary and reasonable costs of litigation will be borne by claimants, which should be memorialized in a written stipulated agreement approved by the court. As to the requirement of FRCP 24(c) for a pleading that set forth the claim or defense that intervention is sought, claimants can simply file a complaint in intervention as their pleading which states which claims or



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**CONT...**      **Prototype Engineering & Manufacturing, Inc.**      **Chapter 7**

defenses for which intervention is sought and incorporate the claims and defenses from the amended complaint by reference.

Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling:

No tentative ruling pending review of the reply to defendants' opposition to motion of Crash Victim Plaintiffs (also referred to in the papers as Blackhawk Plaintiffs) to substitute or intervene due on 11/8/19. Appearances are required on 11/12/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Represented By  
Brian L Davidoff

Bahram Bordbar

Represented By  
Brian L Davidoff

Malahat Bordbar

Represented By  
Brian L Davidoff

Sara Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith

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Irving M Gross

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**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#15.00** Cont'd pretrial conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs  
fr. 1/29/19, 6/25/19, 10/1/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/12/19 to 12/10/19 at 2:00 p.m. per notice filed on 11/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/8/19. No tentative ruling. Appearances are required on 11/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/30/19. No tentative ruling. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss scheduling and possibility of mediation, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The status conference will be conducted with the hearings on the motions to dismiss and strike on the 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 7/16/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report

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**CONT... People Who Care Youth Center, Inc. Chapter 11**

and continues the status conference on its own motion to 7/17/18 at 2:30 p.m., the date and time of the hearings on defendant Curtis's motion to dismiss and defendant Ammec's motion to set aside default. Plaintiff to give written notice of continuance of status conference. No appearances are required on 7/10/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                    |  |
|------------------------------------|--|
| People Who Care Youth Center, Inc. | Represented By<br>John-Patrick M Fritz |
|------------------------------------|--|

**Defendant(s):**

|              |        |
|--------------|--------|
| Ammec, Inc.  | Pro Se |
| Greta Curtis | Pro Se |

**Plaintiff(s):**

|                                    |   |
|------------------------------------|---|
| People Who Care Youth Center, Inc. | Represented By<br>John-Patrick M Fritz<br>David B Golubchik |
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**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#16.00** Hearing re: First interim fee application of SulmeyerKupetz, a Professional Corporation, General Bankruptcy Counsel for debtors

Docket 217

**Tentative Ruling:**

Although the court has reviewed the interim fee application of general bankruptcy counsel for debtors in possession and has no substantive objections to the application and the court notes that there are no timely written objections to the application, service is deficient because not all creditors on the creditors mailing matrix were served as required by FRBP 2002(a)(6) since the request is for compensation or expenses exceeding \$1,000: Creditors Francis Ginsberg, Louis Jacobs and Naomi Jacobs 1990 Revocable Inter Vivos Trust dated April 16, 1990. Even though applicant served all of the parties specifically listed in LBR 2016-1(a)(2)(B), this rule also has a cross-reference to FRBP 2002 and requires service on any other party in interest entitled to notice under that rule. FRBP 2002(a)(6) and 9013 require notice on all creditors of a hearing on any entity's request for compensation or reimbursement of expenses if the request exceeds \$1,000, which it does here. Also, the client signature on the declaration of nonopposition pursuant to LBR 2016-1(a)(1)(J) and (K) has not been filed as represented in the application. Since the cash on hand in the estate is only \$83,488.11, debtors and applicant need to state how payment will be made if the court approves the application. Also, applicant should understand that any payment may be subject to disgorgement from a decision on the pending motion to disqualify applicant as estate counsel, which is now set for hearing on 1/29/20. Appearances are required on 11/12/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

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**CONT... Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

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**2:19-17940 Alvaro Gandarilla**

**Chapter 7**

**#17.00** Hearing re: Motion for extension of time for filing complaint objecting to discharge (11 U.S.C. §727)

Docket 12

**Tentative Ruling:**

Grant motion of Chapter 7 trustee to extend time to file complaint objecting to discharge for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are optional on 11/12/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Alvaro Gandarilla

Represented By  
A Mina Tran

**Trustee(s):**

Timothy Yoo (TR)

Pro Se

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2:30 PM

**2:19-19363 Amorey Jenine Lindsey**

**Chapter 7**

**#18.00** Hearing re: Motion under 11 U.S.C. §110 for fines and/or disgorgement of fees against bankruptcy petition preparer, Rosa Urbina and Alisha B. Harrell

Docket 13

**\*\*\* VACATED \*\*\* REASON: Resolved by stip & order entered on 11/7/19-  
mb.**

**Tentative Ruling:**

Off calendar. The motion of United States Trustee to impose fines for violation of 11 U.S.C. 110(h)(2) and for disgorgement of fee pursuant to 11 U.S.C. 110(h)(3) is resolved by stipulation and order. No appearances are required on 11/13/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Amorey Jenine Lindsey

Pro Se

**Trustee(s):**

John J Menchaca (TR)

Pro Se



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**Wednesday, November 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-28426 Chestnut, LLC**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of chapter 11 plan  
fr. 12/19/18, 3/13/19, 9/18/19

Docket 59

**Tentative Ruling:**

Updated tentative ruling as of 11/11/19. No tentative ruling on the merits.  
Appearances are required on 11/13/19, but counsel may appear by  
telephone.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits.  
Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits.  
Appearances are required on 3/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Chestnut, LLC

Represented By  
Raymond H Aver

**Movant(s):**

Chestnut, LLC

Represented By  
Raymond H Aver

**United States Bankruptcy Court  
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**Wednesday, November 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#2.00** Hearing re: Debtor's application to employ California Appellate Law Group LLP as special litigation/appellate counsel

Docket 762

**Tentative Ruling:**

No tentative ruling as of 11/11/19. Debtor to explain the basis for the appeal since a copy of adverse final order in the marital dissolution case in state court was not part of the application in order for the court to understand that the retention of special counsel is within the reasonable business judgment of the debtor. Appearances are required on 11/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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**Wednesday, November 13, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#3.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19, 8/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/11/19. Off calendar. The court has reviewed debtor's status report. The court on its own motion continues the status conference to 12/4/19 at 11:00 a.m. to be conducted with the rescheduled hearing on the motion to approve the disclosure statement. No appearances are required on 11/13/19.

Prior tentative ruling as of 8/13/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs

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**Thursday, November 14, 2019**

**Hearing Room 1675**

10:00 AM

**2:18-13759 Charles Peters**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Motion for relief from stay  
(County of Riverside VS Debtor)  
fr. 1/17/19, 5/30/19, 9/19/19

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/14/19 to 2/7/20 at 10:00 a.m.  
per stip & order entered on 11/1/19**

**Tentative Ruling:**

Updated tentative ruling as of 11/5/19. Off calendar. Continued by stipulation and order to 2/7/20 at 10:00 a.m. No appearances are required on 11/14/19.

Prior tentative ruling as of 8/16/19. Off calendar. Continued by stipulation and order to 11/14/19 at 10:00 a.m. No appearances are required on 9/19/19.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 since there are disputed issues of material fact regarding debtor's good faith in filing this case and whether the filing of debtor's petition was part of a scheme to hinder, delay or defraud creditors. The court will conduct the hearing as a status conference, and the parties should be prepared to discuss scheduling of an evidentiary hearing. Appearances are required on 5/22/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Charles Peters

Represented By  
Frank Edel Blanco  
Michael Jay Berger

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**Thursday, November 14, 2019**

**Hearing Room 1675**

11:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#2.00** Hearing re: Motion for order authorizing debtor to obtain credit pursuant to §364(c)(2)

Docket 195

**Tentative Ruling:**

No tentative ruling will be issued for the motion heard on shortened notice. Appearances are required on 11/14/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

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11:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for relief from stay  
(YCCS, LLC VS Debtor)  
fr. 7/30/19, 11/5/19, 11/12/19

Docket 108

**Tentative Ruling:**

No updated tentative ruling as of 11/11/19. Appearances are required on 11/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/14/19 at 11:30 a.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 11/7/19. Having read the supplemental briefs filed by the parties, at this time, the court is inclined to agree with debtor that the motion is premature because he still has time to cure and pay off movant's lien to secure the loan on debtor's principal residence before it matures on 12/1/19 and would deny the motion without prejudice or continue with movant's consent the hearing to after the maturity date because debtor seeks to recover the equity in the property for the estate. (The court notes that debtor filed a motion for approval of postpetition financing to approve a new loan to take out the existing loans on the property on 11/7/19, which has been set for hearing on shortened notice on 11/14/19 at 11:30 a.m.) However, past the maturity date, the limited case law on point favors movant's position that cause is shown for stay relief because the failure to pay off the loan by the maturity date is an incurable default which cannot be cured by any Chapter 11 plan because any plan that does not pay off the loan by the maturity date is an impermissible modification of movant's lien rights contrary to 11 U.S.C. 1123(b)(5). In re Crump, 529 B.R. 106 (Bankr. D. S.C. 2015); In re Sampson, 2018 WL 4786404 (Bankr. M.D. Fla. 2018); In re Clay, 204 B.R. 786 (Bankr. N.D. Ala. 1996); see also, Worthington v. General Motors Corp. (In re Claremont Acquisition Corp.), 113 F.3d 1029 (9th Cir. 1997). These cases note that the statutory exception in Chapter 13 cases to extend a due date of a maturing loan on the debtor's principal residence does not apply to Chapter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Thursday, November 14, 2019**

**Hearing Room 1675**

11:30 AM

**CONT...**

**David Lee**

**Chapter 11**

11 cases, indicating that Congress did not mean to provide for such exception for Chapter 11 plans. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Deny stay relief motion for failure of creditor to meet its burden of proving lack of equity of debtor in collateral under 11 U.S.C. 362(g) (1). Creditor's moving papers on their face show that debtor has equity in the subject property and thus fail to demonstrate lack of equity under 11 U.S.C. 362(d)(2). Moreover, creditor's moving papers lack admissible evidence to demonstrate lack of equity to demonstrate lack of adequate protection under 11 U.S.C. 362(d)(1) because its valuation evidence is not supported by a declaration under penalty of perjury by a qualified valuation expert witness who has conducted a proper valuation analysis based on scientifically accepted valuation principles (i.e., sales comparables analysis) and only consists of hearsay opinions of unknown persons based on unknown analysis. Furthermore, creditor's moving papers on their face fail to demonstrate lack of adequate protection since they indicate a 28% equity cushion to adequately protect its lien interest in the subject property. In re Mellor, 734 F.2d 1396 (9th Cir. 1984). Finally, deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 7/30/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1639 Calendar**

**Thursday, November 14, 2019**

**Hearing Room 1639**

11:30 AM

**2:19-10119 David Lee**

**Chapter 11**

**#4.00** Cont'd hearing re: Motion for relief from stay  
(MMRC, LLC VS Debtor)  
fr. 8/13/19, 11/12/19

Docket 127

**Tentative Ruling:**

Updated tentative ruling as of 11/12/19. In their stipulation to continue the hearing on 11/12/19 to 11/14/19, the parties indicated that they have reached a settlement which is being currently documented. The parties should advise the court when they will be able to document their settlement and how the court should proceed on the pending motion in light of the settlement. Appearances are required on 11/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/14/19 at 11:30 a.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 11/7/19. The court is inclined to deny the stay relief motion for now because debtor is the indirect beneficial owner of real property as the 100% shareholder of the entity that holds title to the property and that he is seeking to have the entity dissolved and/or have the property transferred by the entity to him. Thus, it appears to the court that the estate has an indirect beneficial interest in the property which is property of the estate under the particular circumstances of this case. Debtor is taking steps to realize potential value in the property he indirectly owns to pay off the existing lien to movant and to pay other creditors, and it seems plausible that he could fix and flip the property for a profit to pay creditors. Debtor argues that his burden "is merely show that SOME Plan is not 'patently unconfirmable.'" Further Opposition, ECF 184 at 4; see also, Movant's Supplemental Brief, ECF 172 at 3, citing *In re Sun Valley Newspapers, Inc.*, 171 B.R. 71, 75 (9th Cir. BAP 1994)(cited for the proposition that debtor must make a showing that a proposed or contemplated plan is not patently unconfirmable and has a realistic chance of being confirmed). The court would not put it that way, but



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Los Angeles  
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11:30 AM

**CONT... David Lee**

**Chapter 11**

rather as the Ninth Circuit stated in *In re Bonner Mall Partnership*, 2 F.3d 899, 902 n. 4 (9th Cir. 1993), "[a] debtor must, however, produce some evidence that its plan could be confirmed by a reasonable bankruptcy judge."

Debtor's declaration in opposition indicates some evidence that a fix and flip for the property could be part of a confirmable plan. The court agrees with debtor that movant's claim could be modified despite it being a matured loan and an appropriate cramdown rate of interest can be proposed in a plan and that adequate protection is not necessary where the creditor is undersecured based on the "as is" valuation of the property. The court notes that debtor in his further opposition to reply, ECF 193, stated that he was going to refinance the loan to pay off movant in full, but provided no specific details, and that previously debtor stated that he was obtaining construction financing in his original opposition, ECF 141. The court was contemplating denying the motion without prejudice and allow 3 months for debtor to formulate a course of action for fixing and flipping the property or for obtaining a refinancing loan. The issue of the effectiveness of the transfer of the property to debtor from the entity or the dissolution of the entity is material as to whether or not there can be a refinancing loan or a construction loan. Given that 3 months from now will be the one year anniversary of the case, that should be enough time to know whether there will be a viable project for the property or not, that is, whether a plan could be confirmed by a reasonable bankruptcy judge as to the property. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Sustain debtor's objection to appraisal report of movant's appraiser, Eric Burroughs, for the reasons stated in the objection and for lack of compliance with 28 U.S.C. 1746(2) and Local Bankruptcy Rule 5005-4 and Court Manual Section 3.4(b) because signature is not under declaration of penalty of perjury and does not conform to requirements of handwritten signature of the non-CM/ECF user witness. Because the appraisal report is not admissible, deny motion for stay relief without prejudice for lack of competent, admissible evidence of valuation to meet movant's burden of proving the lack of equity under 11 U.S.C. 362(d)(1) and (2) and (g) (1). In the reply, movant raises a new argument that the subject property is not property of the estate, which is in violation of Local Bankruptcy Rule 9013-1(g)(4) that "[n]ew arguments or matters raised for the first time in reply documents will not be considered." Movant may reassert this new argument

**United States Bankruptcy Court  
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**Thursday, November 14, 2019**

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11:30 AM

**CONT... David Lee**

**Chapter 11**

in a new motion since denial of the motion will be without prejudice.

Appearances are required on 8/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Friday, November 15, 2019**

**Hearing Room 1675**

9:00 AM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#1.00** TRIAL RE: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 6/26/19, 7/31/19, 10/4/19

Docket 115

**Tentative Ruling:**

Updated tentative ruling as of 11/13/19. Off calendar. Evidentiary hearing on 11/15/19 vacated by order entered on 11/13/19, and telephonic status conference is set for 11/26/19 at 1:30 p.m. to reschedule evidentiary hearing if the parties are unable to stipulate to a continued hearing date and time. No appearances are required on 11/15/19.

Revised tentative ruling as of 10/2/19. Off calendar. Continued by stipulation and order to 11/15/19 at 9:00 a.m. No appearances are required on 10/4/19.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19.

Prior tentative ruling. Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust, which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the

**United States Bankruptcy Court  
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9:00 AM

CONT...

**Raeisi Group, Inc**

**Chapter 11**

creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007). The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the reacted matter is privileged. Debtor as the objecting party must carry its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky, 2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

**Party Information**

**Debtor(s):**

Raeisi Group, Inc

Represented By

Christopher P Walker

**Movant(s):**

**United States Bankruptcy Court  
Central District of California  
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9:00 AM

**CONT... Raesi Group, Inc**

**Chapter 11**

Raesi Group, Inc

Represented By  
Christopher P Walker

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15729 Eric John Kaesman**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Alliant Credit Union VS Debtor)

Docket 35

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Eric John Kaesman

Represented By  
Stephen A Madoni  
Maureen Strube

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Nancy H Zamora

**United States Bankruptcy Court  
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Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20160 Paul Shkolnik**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Wescom Credit Union VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Paul Shkolnik

Represented By  
Scott Dicus

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21324 Gabrielle Andrea Guzman**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Financial Services Vehicle Trust VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                         |        |
|-------------------------|--------|
| Gabrielle Andrea Guzman | Pro Se |
|-------------------------|--------|

**Trustee(s):**

|                    |        |
|--------------------|--------|
| Carolyn A Dye (TR) | Pro Se |
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**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21835 Phillip James Melo**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(Mechanics Bank VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Phillip James Melo

Represented By  
Robert Reganyan

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-15322 Curtis C. Magleby**

**Chapter 11**

**#4.10** Cont'd hearing re: Debtor's application to employ California Appellate Law Group LLP as special litigation/appellate counsel fr. 11/13/19

Docket 762

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. The court has reviewed debtor's supplemental declaration. No tentative ruling on the merits. Counsel should be prepared to address whether the appellate litigation will have any effect on the timetable for proposing a plan in this case and how and when the issues raised by the family law court by Judge Hansell in its 3/12/19 order regarding debtor's additional claims of reimbursements, credits and offsets will be addressed and resolved, i.e., whether the bankruptcy court and/or the family law court will address and decide such claims. Appearances are required on 11/19/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/11/19. Debtor to explain the basis for the appeal since a copy of adverse final order in the marital dissolution case in state court was not part of the application in order for the court to understand that the retention of special counsel is within the reasonable business judgment of the debtor. Appearances are required on 11/13/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Curtis C. Magleby

Represented By  
Illyssa I Fogel

**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#5.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 4/30/19, 4/25/19, 6/25/19

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/19/19 to 12/17/19 at 2:00 p.m. per order entered on 10/8/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Off calendar. Continued by stipulation and order to 12/17/19 at 2:00 p.m. No appearances are required on 11/19/19.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. Off calendar. Continued by stipulation and order to 2/5/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits. Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 2/7/18 at 2:00 p.m. No appearances are required on 2/24/18.

**Party Information**

**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-16598 Nicholas Bowes**

**Chapter 7**

Adv#: 2:18-01283 Camel Financial, Inc. v. Bowes et al

**#6.00** Cont'd status conference re: Complaint for (1) determination that debt is nondischargeable pursuant to bankruptcy pursuant to bankruptcy code sections 523(1)(4) and 523(a)(6); and (2) for a finding of alter ego liability fr. 3/5/19, 5/7/19, 9/17/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stip & order entered on 11/5/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding dismissed by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
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**Defendant(s):**

|                |        |
|----------------|--------|
| Nicholas Bowes | Pro Se |
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|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
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**Joint Debtor(s):**

|                 |        |
|-----------------|--------|
| Luddivina Bowes | Pro Se |
|-----------------|--------|

**Plaintiff(s):**

|                       |  |
|-----------------------|--|
| Camel Financial, Inc. | Represented By<br>Darren B. Landie<br>Jerome S Demaree |
|-----------------------|--|

**Trustee(s):**

|                      |        |
|----------------------|--------|
| John J Menchaca (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-10246 Dean Henrik Okland**

**Chapter 7**

Adv#: 2:19-01410 Dorfman v. Okland

**#7.00** Status conference re: Complaint to determine dischargeability of debt  
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4))

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. Set a discovery cutoff date of 2/28/20, and a post-discovery status conference on 3/31/20 at 1:30 p.m. with a joint status report due on 3/24/20. These dates will likely be moot if a motion for default judgment is filed and ruled upon in the meantime. Appearances are optional on 11/19/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                    |        |
|--------------------|--------|
| Dean Henrik Okland | Pro Se |
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**Defendant(s):**

|                    |        |
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| Dean Henrik Okland | Pro Se |
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**Plaintiff(s):**

|               |                                 |
|---------------|---------------------------------|
| Chuck Dorfman | Represented By<br>David S Hagen |
|---------------|---------------------------------|

**Trustee(s):**

|                         |                                      |
|-------------------------|--------------------------------------|
| Howard M Ehrenberg (TR) | Represented By<br>Jeffrey S Shinbrot |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16082 Christopher A. Castanon**

**Chapter 7**

Adv#: 2:19-01291 Avery (TR) v. Dominguez

**#8.00** Cont'd status conference re: Complaint to: (1) avoid, recover, and preserve actual fraudulent transfers; (2) avoid recover, and preserve constructive fraudulent transfers; (3) avoid, recover, and preserve preferential transfers; and (4) for turnover of property of the estate  
fr. 11/5/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/19/19 to 12/17/19 at 1:30 p.m. per stip & order entered on 11/1/19mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 11/19/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Christopher A. Castanon

Represented By  
Steven B Lever

**Defendant(s):**

Nayeli Dominguez

Pro Se

**Plaintiff(s):**

Wesley H. Avery (TR)

Represented By  
Laila Masud  
Chad V Haes

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
D Edward Hays  
Chad V Haes  
Laila Masud

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16510 Arno Arutyunyan**

**Chapter 7**

Adv#: 2:19-01381 Janamian v. Arutyunyan

**#9.00** Status conference re: Complaint for damages and to determine dischargeability of damages under 11 U.S.C. § 523(1)(2),(a)(4) and (a)(6)

Docket 1

**Tentative Ruling:**

The court has reviewed plaintiff's unilateral status report. However, the status conference may be moot if the court grants defendant's motion to dismiss as set forth in the tentative ruling on matter number 23 on this hearing calendar.

Appearances are required on 11/19/19 at 1:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Arno Arutyunyan

Represented By  
Asbet A Issakhanian

**Defendant(s):**

Arno Arutyunyan

Pro Se

**Plaintiff(s):**

Sorosh Janamian

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:00 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#10.00** Hearing re: Plaintiff's default prove-up  
fr. 8/27/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/19/19 at 2:00 p.m. to  
11/20/19 at 1:30 p.m. per order entered on 11/5/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 11/20/19 at 1:30 p.m. by prior order. No  
appearances are required on 11/19/19.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir  
Gary E Moll

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir  
Gary E Moll

Gary E Moll and Associates

Represented By  
Ilyse Klavir  
Gary E Moll

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:00 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057      Salzman v. Moll et al

**#11.00**      Cont'd status conference re: Complaint for dischargeability 11 U.S.C. §523(a)(2), false pretenses, false representation, actual fraud and dischargeability; 11 U.S.C. §523(a)(6), willful and malicious injury; verification fr. 3/12/19, 4/30/19, 8/27/19

Docket      1

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 11/19/19 at 2:00 p.m. to 11/20/19 at 1:30 p.m. per order entered on 11/5/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Off calendar. Continued to 11/20/19 at 1:30 p.m. by prior order. No appearances are required on 11/19/19.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The status conference is

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2:00 PM

**CONT...**

**Gary Moll**

**Chapter 7**

continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation, and the court would stay the proceedings in this court until the state court litigation is completed. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

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**CONT...**

**Gary Moll**

**Chapter 7**

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits. Appearances are required on 8/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. Off calendar. The court noting that defendant has noticed a hearing on his motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m., the court continues on its own motion the status conference on 7/19/16 at 1:30 p.m. to the date and time of the hearing on defendant's motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m. No appearances are required on 7/19/16.

Prior tentative ruling. The status conference will be heard at 3:00 p.m. with the hearing on defendant's motion to dismiss. Appearances are required on 3:00 p.m. calendar, not the 1:30 p.m. calendar. No tentative ruling on the merits for the status conference.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir

**Defendant(s):**

Gary E Moll

Represented By

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Central District of California  
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2:00 PM

**CONT... Gary Moll**

**Chapter 7**

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|----------------------------|--------------------------------|
|                            | Ilyse Klavir                   |
| Gary E Moll and Associates | Represented By<br>Ilyse Klavir |

**Plaintiff(s):**

|              |        |
|--------------|--------|
| Gary Salzman | Pro Se |
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**Trustee(s):**

|                         |        |
|-------------------------|--------|
| Howard M Ehrenberg (TR) | Pro Se |
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|                         |        |
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| Howard M Ehrenberg (TR) | Pro Se |
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**U.S. Trustee(s):**

|                            |        |
|----------------------------|--------|
| United States Trustee (LA) | Pro Se |
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**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

**#11.10** Cont'd pretrial conference re: Complaint for non-dischargeability of debtor under §523(a)(2)(A)  
fr. 3/12/19, 8/13/19, 11/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Off calendar. The court has reviewed the counsel declarations regarding preparation of the joint pretrial stipulation. The court on its own motion continues the pretrial conference to 12/3/19 at 11:00 a.m. and extends the time for the parties to file a joint pretrial stipulation to 11/26/19. The court expects that the parties will meet and confer to resolve their differences and submit a joint pretrial stipulation, not unilateral pretrial statements, by 11/26/19 (the parties should be able at least to agree to disagree so that there is one joint pretrial stipulation), and the court will impose sanctions of \$250 each on the culpable parties for failure to submit a joint pretrial stipulation as provided in LBR 7016-1. No appearances are required on 11/19/19.

Prior tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/19/19 at 2:00 p.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 8/12/19. Appearances are required on 8/13/19, and parties to address the status of mediation, their failure to conduct a meeting of counsel pursuant to LBR 7026-1, the status of discovery and scheduling of further proceedings.

Prior tentative ruling as of 3/11/19. The court has reviewed the joint status report. Set a discovery cutoff date of 7/1/19 and a post-discovery status conference on 7/30/19 at 1:30 p.m. with a joint status report due on 7/23/19. Appearances are required on 3/12/19 to discuss the failure of counsel to have the early meeting of counsel under LBR 7026-1 and whether the matter should be referred to mediation, but counsel may appear by telephone.

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**CONT... Martha Alicia Fernandez**

**Chapter 7**

Prior tentative ruling. The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

Guadalupe L Cruz

Pro Se

Jose L Cruz

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
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**Hearing Room 1675**

2:30 PM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

Adv#: 2:15-01122 Howard Grobstein as Liquidating Trustee of L. Scot v. Sharron et al

**#12.00** Cont'd hearing re: Appearance and examination of judgment debtor Lowell Sharron as the designated representative of judgment debtor Beyond Basics LLC fr. 5/21/19, 7/16/19, 10/1/19

Docket 194

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19 Off calendar. Continued by stipulation and order to 1/28/20 at 2:30 p.m. No appearances are required on 11/19/19.

Prior tentative ruling. Off calendar. Continued by stipulation and order to 11/19/19 at 2:30 p.m. No appearances are required on 10/1/19.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Defendant(s):**

Lowell S. Sharron

Represented By  
Lloyd S Mann

Beyond Basics, LLC dba Daily

Represented By  
Lloyd S Mann

**Plaintiff(s):**

Howard Grobstein as Liquidating

Represented By  
Brian L Davidoff  
Courtney E Norton  
Lori L Werderitch  
Keith Patrick Banner

**United States Bankruptcy Court  
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**CONT... L Scott Apparel Inc.**

**Chapter 11**



**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-18962 Alexander Yulish**

**Chapter 7**

**#13.00** Hearing re: Second interim application for award of compensation and reimbursement of expenses of Danning, Gill, Diamond & Kollitz, LLP, as general counsel for chapter 7 trustee

Docket 111

**Tentative Ruling:**

Approve second interim fee application of general bankruptcy counsel for trustee for the reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 11/19/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Alexander Yulish

Represented By  
Todd L Turoci

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Sonia Singh  
Eric P Israel

**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-18962 Alexander Yulish**

**Chapter 7**

**#14.00** Hearing re: Second interim application by accountant for chapter 7 trustee for order approving payment of fees and expenses for the period of June 9, 2018 through August 26, 2019

Docket 114

**Tentative Ruling:**

Approve second interim fee application of accountant for trustee for the reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 11/19/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Alexander Yulish

Represented By  
Todd L Turoci

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Sonia Singh  
Eric P Israel

**United States Bankruptcy Court  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#15.00** Hearing re: Motion for summary judgment; judgment is dischargeable, plaintiff has no standing in case, unclean hands

Docket 91

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/19/19 to 11/26/19 at 2:30 p.m. per order entered on 10/29/19-mb.**

**Tentative Ruling:**

- NONE LISTED -

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#16.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 5/29/19, 7/30/19, 10/8/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/19/19 to 11/26/19 at 2:30 p.m. per order entered on 11/13/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Off calendar. Continued to 11/26/19 at 2:30 p.m. by prior order. No appearances are required on 11/19/19.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits. Plaintiff to discuss the status of assignment of the judgment to Ms. Lollar or a motion for reconsideration on denial of plaintiff's motion for summary judgment or a renewed motion for summary judgment. The court intends to set a pretrial conference in about 90 days in January 2020 and then set the matter for trial at the pretrial conference. Appearances are required on 10/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the

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**CONT...**     **Mary Katherine Cummins-Cobb**  
court's website.

**Chapter 7**

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Defendant(s):**

|                             |        |
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| Mary Katherine Cummins-Cobb | Pro Se |
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**Plaintiff(s):**

|                     |                                     |
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| Konstantin Khionidi | Represented By<br>Philip H Stillman |
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**Trustee(s):**

|                     |        |
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| Peter J Mastan (TR) | Pro Se |
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Central District of California  
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**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#17.00** Hearing re: Trustee's motion for order authorizing assignment of certain claims to creditors Peggy Murphy and Genevieve Peterson

Docket 69

**Tentative Ruling:**

Because this matter may require extended argument, the matter will be placed on second call, and will not be called before 2:45 p.m. so that the court can hear the shorter matters on calendar.

Having reviewed the moving, opposing and reply papers, the court has the following comments on the motion: (1) since the proposed assignment of claims is deemed to be a sale under 11 U.S.C. 363(b) under the agreement between the trustee and the purchasing creditors, there is a procedural deficiency in that there was no Notice of Sale of Estate Property submitted with the motion when it was filed as required by LBR 6004-1(f) (although practically speaking, the only parties probably interested in purchasing the assets are the appearing parties); (2) the proposed sale under 11 U.S.C. 363(b) as a reasonable exercise of the trustee's business judgment is also problematic because there is no legal authority cited to support the proposed that purchasing creditors may credit bid up to \$300,000 on their general unsecured claims in any overbidding in a public auction of the assets to be sold since the only authority cited by the parties to allow creditbidding is 11 U.S.C. 363(k) relates to allowed secured claims; (3) now that there are pending filed objections to the claims of purchasing creditors, they do not have allowed claims at this time within the meaning of 11 U.S.C. 502(a) to allow creditbidding of any kind (the court takes no position at this time whether the objecting parties are proper parties in interest in this case, In re P.R.T.C., Inc., 177 F.3d 774, 777-779 (9th Cir. 1999), citing Fondiller v. Robertson (In Matter of Fondiller), 707 F.2d 441-443 (9th Cir. 1983); (4) it appears that the motion under 11 U.S.C. 363(b) could be granted if these issues are remedied, including submission of the notice of sale of estate property and a sale upon a public auction based on overbidding without creditbidding, and it appears that the objecting parties would have no objection to a sale based on these conditions; (5) to the extent that the

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**CONT... Peter Spennato DDS, Inc.**

**Chapter 7**

trustee seeks approval of an assignment of the claims to the creditors without a sale under 11 U.S.C. 363(b), that assignment can only be authorized by the court if (A) the creditors are pursuing interests common to all creditors; and (B) allowing the creditors to exercise the trustee's powers to pursue litigation claims for the estate will benefit the remaining creditors, In re P.R.T.C., Inc., 177 F.3d at 782-783; and (6) the moving papers violate FRBP 9037 because the trustee failed to redact personal identifying information relating to certain individuals (i.e., the excerpts from Rule 2004 exam of Peter Spennato DDS, Inc.), and trustee must take remedial action to remedy this violation. The court is inclined to deny the motion without prejudice and/or allow the trustee to amend the motion to address and remedy the concerns identified in this tentative ruling.

Appearances are required on 11/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

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2:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

**#18.00** Hearing re: Application for payment of interim fees and/or expenses for Fari Bari Nejadpour

Docket 71

**Tentative Ruling:**

Deny interim fee application of Fari Bari Nejadpour, attorney for Chapter 7 debtor, for the reasons stated in the trustee's opposition, namely, applicant's employment has not been approved by the court as required by 11 U.S.C. 327(a) to seek compensation from the estate. In re Shirley, 134 B.R. 940, 944 (9th Cir. BAP 1992), and as debtor's counsel in a Chapter 7 case, applicant cannot be compensated from the estate unless employed by the Chapter 7 Trustee and the employment is approved by the court. Lamie v. United States Trustee, 540 U.S. 526, 537-538 (2004). Also, the application should be denied because applicant has not shown that the compensation requested from the estate is reasonable for actual, necessary services for the benefit of the estate. 11 U.S.C. 330 and 503(b). Appearances are required on 11/19/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour  
Keith F Rouse

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP



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**Hearing Room 1675**

2:30 PM

**2:18-23282 LT Funding, LLC**

**Chapter 7**

**#19.00** Hearing re: Second interim application for award of compensation and reimbursement of expenses of Danning, Gill, Diamond & Kollitz, LLP, as general counsel for Chapter 7 Trustee

Docket 43

**Tentative Ruling:**

Approve second interim fee application of general bankruptcy counsel for trustee for the reasons stated in the application and for lack of timely written objection. Appearances are optional on 11/19/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

LT Funding, LLC

Represented By  
Robert L Eisenbach III

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
George E Schulman

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**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#20.00** Hearing re: Application for payment of interim fees and/or expenses for Law Offices of David A Tilem, debtor's attorney

Docket 179

**Tentative Ruling:**

The court has reviewed the interim fee application of general bankruptcy counsel for debtor in possession and while the court would find that the fees are reasonable for purposes of 11 U.S.C. 330, applicant needs to remedy several deficiencies relating to the application: (1) not all creditors were served with notice of the application as required by LBR 2016-1(a)(2)(B) and LBR 2002(a)(6) since compensation and reimbursement of expenses exceeding \$1,000 is being requested - two creditors were not served as indicated on the service list: AT&T Corp., and Loancare LLC (AT&T is not listed on the service list, and Loancare was not served at its address on creditors' mailing matrix and its notice address stated on the proof of claim, though it was served at its "payment" address as stated on the proof of claim); (2) there is no declaration from the client stating that he has reviewed the application and has no objection as required by LBR 2016-1(a)(1)(J); (3) there is no description of professional education and experience of each individual rendering services (while there is an adequate description for Attorney Tilem, there is no description for Malissa Murguia, Joan Fidelson and Diana Chau, applicant's paralegals) as required by LBR 2016-1(a)(H); and (4) there is no statement of funds on hand and estimated amount of accrued expenses of administration of the estate as required by LBR 2016-1(a)(1)(A)(iii).

The court would conditionally approve the application for the reasons stated in the fee application and for lack of timely written objection, but on the following conditions: (1) notice of the application on two inadequately served creditors, AT&T and Loancare, be served, which can be given under the notice and request for hearing procedures of LBR 9013-1(o), so that the condition will be satisfied if no objection is timely filed and applicant files a declaration of nonopposition thereafter; (2) a declaration of the client is filed stating he has reviewed the application and has no objection; (3) the fees of

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**CONT...**

**David Lee**

**Chapter 11**

the paralegals are approved on the condition of the filing of a supplement to the application containing a description of their professional education and experience (the court notes that it could not find the description of professional education and experience of the paralegals in the employment application as well); and (4) testimony (i.e., an offer of proof if no objection) can be provided at the hearing regarding the status of funds on hand and estimated expenses of administration of the estate, so that the court can be apprised of the impact of authorization of payment of the requested fees on the estate.

The court is inclined to allow applicant to satisfy these conditions without a further hearing unless the one of the two inadequately served creditors files a request for hearing, so that applicant can file a declaration that the conditions have been satisfied and a proposed order for approval of the application once the conditions have been satisfied.

Appearances are required on 11/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10119 David Lee**

**Chapter 11**

**#21.00** Cont'd hearing re: Motion for relief from stay  
(Rehabbers Financial, Inc. dba Aztec Financial VS Debtor)  
fr. 9/10/19, 10/15/19

Docket 161

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Based on this record, it appears that valuation of the subject property is not in dispute since the "as is" values appear to be comparable and there is no equity at this time, though debtor contends that the property as developed (i.e., "as completed") would be worth much more and would provide value to the estate if he develops the property. While the lack of equity is shown under 11 U.S.C. 362(d)(2), the remaining issue is whether that the property is necessary for debtor's reorganization, or there is some evidence that his plan of reorganization could be confirmed by a reasonable bankruptcy judge. In re Bonner Mall Partnership, 2 F.3d 899, 902 n. 4 (9th Cir. 1993). Debtor as the party opposing stay relief has the burden on this issue under 11 U.S.C. 362(g)(2), and debtor's un rebutted evidentiary showing in his and the Martinez and Wiltchik declarations that he could develop the property to generate value for the estate could be part of a plan of reorganization that could be confirmed by a reasonable bankruptcy judge. At this point, there is no evidence that the property is declining in value or that an equity cushion is eroding to warrant adequate protection under 11 U.S.C. 362(d)(1). The court is inclined to deny the stay relief motion without prejudice, and allow debtor for the time being a reasonable time to propose a plan which includes development of this property, although the court notes that this case is almost a year old and debtor will need to propose a plan within a reasonable time. Appearances are required on 11/19/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/11/19. No tentative ruling on the merits. Appearances are required on 10/15/19 to discuss scheduling of further proceedings, including an evidentiary hearing. Appearances are required on 10/15/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**

**David Lee**

**Chapter 11**

Prior tentative ruling. The court was inclined to allow a short continuance of the hearing to allow debtor to obtain a valuation opinion in response to the valuation opinion submitted on behalf of movant. Debtor to provide a reasonable estimate when the appraisal can be obtained, so that the court can set an evidentiary hearing on valuation and cause for stay relief, including lack of adequate protection. Appearances are required on 9/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-13957 Barbara Iliana Huerta Cano**

**Chapter 7**

**#22.00** Hearing re: Trustee's motion to dismiss case and vacate discharge

Docket 28

**Tentative Ruling:**

Deny motion of Chapter 7 trustee to dismiss bankruptcy case and "vacate" debtor's discharge without prejudice because: (1) the Chapter 7 Trustee lacks standing to bring a motion to dismiss under FRBP 1017(c), which refers to 11 U.S.C. 707(a)(3), which in turn states that only the United States Trustee may bring a motion to dismiss for failure to file required documents under 11 U.S.C. 707(a)(3) ("only on a motion by the United States Trustee"), and thus, the Chapter 7 Trustee cannot bring a motion to dismiss under FRBP 1017(c); (2) since debtor's discharge in this case was entered on 7/22/19, by seeking to "vacate" discharge, the Chapter 7 trustee is in effect seeking to revoke debtor's discharge which requires an adversary proceeding under FRBP 7001(4), and thus, the Chapter 7 trustee may not proceed by motion to revoke debtor's discharge. Denial of the motion is without prejudice on grounds that the motion is procedurally defective. Appearances are required on 11/19/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Barbara Iliana Huerta Cano

Represented By  
Stephen L Burton

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-16510 Arno Arutyunyan**

**Chapter 7**

Adv#: 2:19-01381 Janamian v. Arutyunyan

**#23.00** Hearing re: Motion for dismissal of adversarial proceeding filed by plaintiff Soroush Janamian against debtor Arno Arutyunyan

Docket 6

**Tentative Ruling:**

The court advances the hearing on defendant's motion to dismiss to the court's 1:30 p.m. hearing calendar to be conducted with the status conference scheduled at that time.

Grant defendant's motion to dismiss for the reasons stated in the moving papers and for lack of timely written opposition. The complaint to determine dischargeability of debt under 11 U.S.C. 523(a)(2), (a)(4) and (a)(6) was filed after the deadline of 9/6/19, 60 days after the first date set for the meeting of creditors under 11 U.S.C. 341(a) on 7/8/19 pursuant to Federal Rule of Bankruptcy Procedure 4007(c) and 11 U.S.C. 523(c). Service of the moving papers was proper on 10/2/19 because the papers were served on defendant then representing himself at the address listed on the complaint before counsel for plaintiff substituted in for plaintiff in the matter on 10/3/19.

Appearances are required on 11/19/19 at 1:30 p.m., but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Arno Arutyunyan

Represented By

Asbet A Issakhanian

**Defendant(s):**

Arno Arutyunyan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 19, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Arno Arutyunyan**

**Chapter 7**

**Plaintiff(s):**

Soroush Janamian

Pro Se

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#1.00** Order to show cause why sanctions should not be imposed against debtor and/or his counsel of record, Jaurigue Law Group, including dismissal and monetary sanctions, for failure to appear at the status conference on October 9, 2019 and for failure to file quarterly United States Trustee post-confirmation status report

Docket 142

**Tentative Ruling:**

The court having reviewed counsel declaration in response to the order to show cause has issued an order partially discharging the order to show cause as to the failure to appear at the status conference. Appearances are required on 11/20/19 to address failure to file quarterly operating reports, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le  
Ryan A. Stubbe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. RN, 6/26/19, 7/31/19, 10/9/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Appearances are required on 11/20/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits. Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/31/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip**

**Chapter 11**

**#3.00** Hearing re: Motion for turnover of personal property of the estate to Swing House Rehearsal and Recording, Inc.

Docket 672

**Tentative Ruling:**

No tentative ruling on the merits as there are factual disputes regarding ownership of the iPhone and the adoption of the company employee handbook, which have bearing on whether former officer's communications on the iPhone and MacBook were privileged. There are conflicts in the testimony of Jaurigui and Winsen and supporting documents as to when the iPhone was purchased (i.e., when and what model), who the buyer was, the officer or the company, and whether the company employee handbook was adopted by the company. These factual disputes will need to be resolved before the court can apply the appropriate law of privilege. Appearances are required on 11/20/19, but counsel may appear by telephone. The parties should be prepared to discuss how the court should resolve these evidentiary conflicts.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#4.00** Hearing re: First interim application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses

Docket 100

**Tentative Ruling:**

No tentative ruling on interim fee application of general bankruptcy counsel for debtor-in-possession in light of objection of client representative, Michelle McArn. Appearances are required on 11/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#5.00** Hearing re: Confirmation of plan  
fr. 6/12/19, 7/17/19, 9/18/19

Docket 113

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Grant debtor's motion to confirm Chapter 11 reorganization plan for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 11/20/19, but counsel may appear by telephone.

tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. Appearances are required on 6/12/19 regarding scheduling debtor's appearance before the court, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits. Appearances are required on 5/29/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Although the amended disclosure statement is an improvement over the last version, the information is not completely adequate because debtor's listing of business expenses is inadequate and does not state what they are. Debtor should break down what they specifically are, and debtor should provide a historical breakdown of such specific expenses over the last 12 months. The court notes that the expenses are not evenly spread out during the last 12 months, but apparently are large in a few months and small in other months. Since the plan payments are so small, the court believes that it needs to give debtor's expenses close scrutiny, so that meaningful information is given to creditors for voting. Appearances are required on 4/17/19, but counsel may appear by

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, November 20, 2019

Hearing Room 1675

11:00 AM

CONT... Hugo Hernandez  
telephone.

Chapter 11

Prior tentative ruling. The matter of debtor's motion to value secured claim or lien as to Lending 1st Mortgage, LLC is not yet resolved and needs to be resolved before the case may proceed to plan confirmation. It appears that even though the motion is resolved as to Specialized Loan Servicing by stipulation and order, the motion is not resolved as to the other lien creditor and that the motion should be renoticed for hearing.

Debtor will have to provide additional information for the disclosure statement relating to: (1) his business expenses for which a detailed statement is required for Schedule I/J, and which was not provided either with the schedule or in Exhibit F; (2) his payments on the first deed of trust, for which there is no detailed breakdown of principal, interest, taxes, and other expenses; (3) and debtor should also provide financial projections for the entire 60-month duration of the plan.

The court will also require that debtor provide a narrative statement about his employment history and future employment prospects and his income producing activities, such as the investment real property and its income prospects, such as rental increases or decreases.

Appearances are required on 1/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14665 Hugo Hernandez**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 6/12/19, 7/17/19, 9/18/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Appearances are required on 11/20/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Appearances are required on 7/17/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Hugo Hernandez

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#7.00** Cont'd hearing re: Plaintiff's default prove-up  
fr. 8/27/19, 11/19/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 11/18/19. Appearances are required on 11/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir  
Gary E Moll

**Defendant(s):**

Gary E Moll

Represented By  
Ilyse Klavir  
Gary E Moll

Gary E Moll and Associates

Represented By  
Ilyse Klavir  
Gary E Moll

**Plaintiff(s):**

Gary Salzman

Pro Se

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

1:30 PM

**2:15-28128 Gary Moll**

**Chapter 7**

Adv#: 2:16-01057 Salzman v. Moll et al

**#8.00** Cont'd status conference re: Complaint for dischargeability 11 U.S.C. §523(a)(2), false pretenses, false representation, actual fraud and dischargeability; 11 U.S.C. §523(a)(6), willful and malicious injury; verification fr. 4/30/19, 8/27/19, 11/19/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. No tentative ruling on the merits. Appearances are required on 11/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 4/29/19. No tentative ruling on the merits. Appearances are required on 4/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/5/18. No tentative ruling on the merits. Appearances are required on 10/9/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/10/18. Off calendar. The status conference is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Gary Moll**

**Chapter 7**

continued on the court's own motion by prior order to 10/9/18 at 2:30 p.m. No appearances are required on 9/11/18.

Prior tentative ruling as of 8/6/18. No tentative ruling on the merits. Appearances are required on 8/7/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/25/18. No tentative ruling on the merits. Appearances are required on 5/29/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/29/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion to substitute party. No appearances are required on 5/15/18.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 1/30/17. The parties should appear telephonically to discuss the impact of the pending related state court action on this adversary proceeding, that is, whether the proceedings in this matter should be stayed pending the resolution of plaintiff's claims in state court. Appearances are required on 1/31/17, but counsel and plaintiff representing himself may appear by telephone.

Prior tentative ruling as of 10/3/16. Since plaintiff is pursuing liquidation of his substantive claims in state court litigation, and the court would stay the proceedings in this court until the state court litigation is completed. Appearances are required on 10/4/16, but counsel and self-represented parties may appear by telephone.

Prior tentative ruling as of 10/3/16. No tentative ruling on the merits. Appearances are required on 10/4/16, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, November 20, 2019

Hearing Room 1675

1:30 PM

CONT...

**Gary Moll**

**Chapter 7**

Prior tentative ruling as of 9/12/16. The court has reviewed the state court's order for dismissal without prejudice of the malpractice action in that court. It appears that the court should refer the case to the United States District Court because of the claim for personal injury damages must be determined by that court, which claim is intertwined with the dischargeability action. Alternatively, the court could abstain, allow plaintiff to refile the malpractice action in state court and not refer the case to the District Court. Appearances are required on 9/13/16, but the parties may appear by telephone.

Prior tentative ruling as of 8/22/16. No tentative ruling on the merits. The parties should address the court's request for clarification of dismissal order for the state court malpractice case and possible referral of case to the United States District Court because of the claim for personal injury damages. Appearances are required on 8/23/16, but counsel may appear by telephone.

Prior tentative ruling as of 8/8/16. No tentative ruling on the merits. Appearances are required on 8/9/16, but counsel may appear by telephone.

Prior tentative ruling as of 7/18/16. Off calendar. The court noting that defendant has noticed a hearing on his motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m., the court continues on its own motion the status conference on 7/19/16 at 1:30 p.m. to the date and time of the hearing on defendant's motion to dismiss the first amended complaint on 8/9/16 at 3:30 p.m. No appearances are required on 7/19/16.

Prior tentative ruling. The status conference will be heard at 3:00 p.m. with the hearing on defendant's motion to dismiss. Appearances are required on 3:00 p.m. calendar, not the 1:30 p.m. calendar. No tentative ruling on the merits for the status conference.

**Party Information**

**Debtor(s):**

Gary Moll

Represented By  
Ilyse Klavir

**Defendant(s):**

Gary E Moll

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 20, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Gary Moll**

**Chapter 7**

|                            |                                |
|----------------------------|--------------------------------|
|                            | Ilyse Klavir                   |
| Gary E Moll and Associates | Represented By<br>Ilyse Klavir |

**Plaintiff(s):**

|              |        |
|--------------|--------|
| Gary Salzman | Pro Se |
|--------------|--------|

**Trustee(s):**

|                         |        |
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| Howard M Ehrenberg (TR) | Pro Se |
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| Howard M Ehrenberg (TR) | Pro Se |
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**U.S. Trustee(s):**

|                            |        |
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| United States Trustee (LA) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#1.00** Cont'd hearing re: Motion to disqualify Victor Sahn and SulmeyerKupetz, A Professional Corporation from representing debtors Roslyn Soudry Katz and Robert Katz fr. 9/18/19, 10/10/19

Docket 197

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/21/19 to 1/29/20 at 11:00 a.m. per stip & order entered on 11/6/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 1/29/20 at 11:00 a.m. No appearances are required on 11/21/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#2.00** Cont'd hearing re: Motion of Roslyn Soudry Katz and Naomi Jacobs to quash subpoena served upon Mufg Union Bank, N.A. or, in the alternative, to modify subpoena (FRBankr. P9016; FRCP 45(d)(3)(A) and 45 (d)(3)(B) fr. 8/28/19, 10/10/19

Docket 180

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/21/19 to 2/7/20 at 11:00 a.m.  
per stip & order entered on 11/6/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/7/20 at 11:00 a.m. No appearances are required on 11/21/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#3.00** Cont'd hearing re: Motion for order approving disclosure statement describing second amended chapter 11 plan proposed by debtors fr. 7/30/19, 9/4/19, 10/10/19

Docket 144

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Approve disclosure statement describing second amended Chapter 11 plan proposed by debtors as containing adequate information for the reasons stated in the moving papers and for lack of timely written opposition, but on condition that disclosure statement and proposed plan be modified that: (1) disclosure statement and proposed plan provide for full payment of priority tax claims of IRS and County of Los Angeles within 5 years of the order for relief (i.e., petition date on 1/21/19) as required by 11 U.S.C. 1129(a)(9)(C) and (D), which require a payoff within 48 months (not 60 months); and (2) a deadline for objection to claims in the disclosure statement and proposed plan should be inserted. It does not appear that adjustments in payments of the priority tax claims would jeopardize feasibility since the tax claims are relatively small. The proposed schedule for plan confirmation proceeding is reasonable. Appearances are required on 11/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/1/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. Appearances are required on 4/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#4.00** Cont'd status conference re: Management of chapter 11 case  
fr. 7/30/19, 9/4/19, 10/10/19

Docket 1

**Tentative Ruling:**

No tentative ruling as of 11/18/19. Appearances are required on 11/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/2/19. Appearances are required on 7/3/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/16/19. No tentative ruling on the merits. Appearances are required on 4/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. Appearances are required on 3/13/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, November 21, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century and 400 S.**

**Chapter 11**

**#5.00** CONT'D EVIDENTIARY HEARING RE: Motion for order pursuant to Bankruptcy Rule 2004 and Bankruptcy Code Section 105 and 1142 fr. 7/19/19, 9/12/19, 10/24/19

Docket 2423

**\*\*\* VACATED \*\*\* REASON: Matter vacated per order entered on 11/6/19 -mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Hearing vacated by prior order entered on 11/6/19. The hearing may be rescheduled if necessary. No appearances are required on 11/21/19.

Prior tentative ruling as of 7/15/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 7/19/19.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior ruling as of 3/11/19. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling. Since the parties do not dispute that movant is not in technical compliance with LBR 2004-1 regarding a prefiling conference, the court will order movant to comply with this prefiling conference requirement before ruling on the motion on the merits.

In reviewing the motion, the court has concerns regarding the volume of documents requested by movant which do not appear to be entirely relevant and reasonable and appears to be burdensome and oppressive. In some respect, movant has proposed modifications in the document production requests in his reply, which should be discussed by the parties in their prefiling conference under LBR 2004-1(a).

It seems to the court that movant has standing to request "reasonable and relevant" information about estate administration, but not all the information requests seem to be reasonable and relevant and may be proprietary

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**CONT... Art and Architecture Books of the 21st Century and 400 S. Chapter 11**

information not available to parties who intend to compete with debtor's business, such as movant. That movant has a right to ply his trade does not mean that he is entitled to proprietary information of the estate to compete with debtor.

The court will set a further hearing on the motion for a date that the parties have had their prefiling conference and have had an opportunity to identify and discuss in further briefing their remaining differences.

Appearances are required on 2/19/19, but counsel may appear by telephone.

|                          |
|--------------------------|
| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
David W. Meadows  
Jerome S Cohen  
Carolyn A Dye

**Movant(s):**

Douglas Christmas

Represented By  
David B Shemano  
Alan W Forsley  
Jonathan Shenson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Thursday, November 21, 2019**

**Hearing Room 1675**

1:30 PM

**2:13-14135 Art and Architecture Books of the 21st Century**

**Chapter 11**

Adv#: 2:15-01679

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF T v.

**#6.00** Cont'd status conference re: Complaint for: (1) Avoidance, recovery, and preservation of fraudulent transfers; (2) Avoidance, recovery, and preservation of preferential transfers; (3) Turnover of property; (4) Avoidance and recovery of transfers; (5) Avoidance and recovery of post-petition transfers to defendant ACE Gallery New York Corporation; and (6) Disallowance of claims  
fr. 5/29/19, 7/17/19, 10/2/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/21/19 to 1/15/20 at 11:30 a.m. per order entered on 11/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/18/19. Off calendar. Continued to 1/15/20 at 11:30 a.m. by order entered on 11/6/19. No appearances are required on 11/21/19.

Prior tentative ruling as of 9/16/19. No tentative ruling on the merits. Appearances are required on 9/18/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. Off calendar. The court on its own motion continues the status conference to 7/17/19 at 1:30 p.m., which was another date and time set for the status conference for all defendants. No appearances are required on 7/16/19.

Prior tentative ruling as of 5/13/19. Off calendar. Continued by stipulation and order to 5/29/19 at 2:30 p.m. No appearances are required on 5/15/19.

Revised tentative ruling as of 3/11/19. The court is inclined to set a further status conference to allow time for Cathay Bank to provide input on discovery and trial setting, but 60 days rather than 3 to 6 months, and because the case is not yet at issue. The court has considered the requests of various parties for severance of claims for trial, but while the court agrees with plaintiff, it may be early, but given the unwieldy nature of this litigation, some severance of claims probably makes sense. Plaintiff's concerns about efficiency of litigation might be handled by some consolidation of discovery and other

**United States Bankruptcy Court  
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Hearing Room 1675

1:30 PM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

pretrial proceedings. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/6/18. No tentative ruling on the merits. Appearances are required on 11/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 9/10/18. Appearances are required on 9/12/18, but counsel may appear by telephone. No tentative ruling on the state of discovery, except regarding 400 S. La Brea, LLC's submission of documents for *in camera* review:

| Document   | Tentative Ruling  |
|--|---|
| 400 S. La Brea, LLC's 2015 Balance Sheet                 | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). |
| 400 S. La Brea, LLC's 2016 Balance Sheet                 |   |
| 400 S. La Brea, LLC's 2016 Income Statement              |   |
| 400 S. La Brea, LLC's 2016 Federal and State Tax Returns |   |
| 2012 Appraisal of the Subject Property                   | Order disclosure, subject to redaction of "confidential commercial information."  |
| 2013 Appraisal of the Subject Property                   |   |

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

|  |   |
|--|---|
| 2017 Appraisal of the Subject Property                         | Deny disclosure. Submission includes confidential commercial information, the disclosure of which would impose a burden on 400 S. La Brea that outweighs any benefit to the Plaintiff because the information is irrelevant to Plaintiff's claim. See Fed. R. Civ. P. 26(b)(1), 45(d)(3)(B)(i). The 2017 documents are irrelevant because they postdate the subject lease term. |
| Technical Review of the 2017 Appraisal of the Subject Property |   |

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/2/18. No tentative ruling on the merits. Appearances are required on 4/4/18, but counsel may appear by telephone.

Prior tentative ruling as of 3/6/18. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling as of 11/13/17. No tentative ruling on the merits. Appearances are required on 11/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits. Appearances are required on 7/25/17, but counsel may appear by telephone.

No updated tentative ruling as of 1/9/17. Appearances are required on 1/11/17, but counsel may appear by telephone.

Prior tentative ruling as of 12/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/13/16, but counsel may appear by telephone.

Prior tentative ruling as of 9/12/16. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 9/13/16 to discuss scheduling of further proceedings in light of the anticipated

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**CONT...**      **Art and Architecture Books of the 21st Century**      **Chapter 11**

motion to consolidate related actions, but counsel may appear by telephone.

Prior tentative ruling as of 6/20/16. No tentative ruling on the merits.  
Appearances are required on 6/21/16, but counsel may appear by telephone.

Prior tentative ruling as of 4/25/16. Off calendar. The court has reviewed plan agent's unilateral status report stating that the deadline for defendant's response was extended to 4/29/16 and that the matter is not yet at issue, and the court on its own motion continues the status conference to 6/21/16 at 1:30 p.m. pending defendant's response to the complaint. No appearances are required on 4/26/16.

No tentative ruling as of 2/22/16. Appearances are required on 2/23/16, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Art and Architecture Books of the

Represented By  
Thomas M Geher  
Ron Bender  
Beth Ann R Young  
Krikor J Meshefejian  
Kurt Ramlo  
David W. Meadows

**Defendant(s):**

Ace Gallery New York Corporation,

Pro Se

**Plaintiff(s):**

THE OFFICIAL COMMITTEE OF

Represented By  
Victor A Sahn

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, November 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15356 Ara Ohannes Keyllian**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(JPMorgan Chase Bank, N.A. VS Debtor)

Docket 54

**\*\*\* VACATED \*\*\* REASON: Notice of voluntary dismissal filed on  
11/6/19-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed by notice filed on 11/6/19. No  
appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Ara Ohannes Keyllian

Represented By  
Eileen Keusseyan

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, November 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21469 Cheol Kyun Jung**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

Cheol Kyun Jung

Represented By  
Young K Chang

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, November 26, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-22316 Hal Frederick Hunt and Amy Velez Hunt**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(University Credit Union VS Debtors)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition as indicated by debtor's filing a statement of non-opposition. The 14-day waiting period under FRBP 4001(a) (3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Hal Frederick Hunt

Represented By  
William R Bailey

**Joint Debtor(s):**

Amy Velez Hunt

Represented By  
William R Bailey

**Trustee(s):**

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 26, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01214 Katz et al v. CITIBANK, N.A. et al

**#4.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims  
fr. 9/17/19, 10/15/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment entered per stip & order on 10/15/19-mb.**

**Tentative Ruling:**

Off calendar. Judgment entered by stipulation and order. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

CITIBANK, N.A.

Pro Se

Citi

Pro Se

Citigroup, Inc.

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
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**CONT... Robert David Katz**

**Chapter 11**

**Plaintiff(s):**

Robert David Katz

Represented By  
Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

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**Tuesday, November 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-21889 Gail Weeks**

**Chapter 7**

**#5.00** Order to show cause why case should not be dismissed for failure to comply with the December 19, 2010 court order requiring debtor to file a motion for permission to file a new bankruptcy case

Docket 7

**\*\*\* VACATED \*\*\* REASON: Off calendar per order entered on 11/22/19-  
mb.**

**Tentative Ruling:**

Off calendar. Order to show cause discharged and hearing vacated by order entered on 11/22/19. No appearances are required on 11/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Gail Weeks

Represented By  
D Justin Harelik

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, November 26, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12224 Raesi Group, Inc**

**Chapter 11**

**#5.10** Telephonic status conference re: Objection to claim number 4 by claimant US Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2014-1 fr. 7/31/19, 10/4/19, 11/15/19

Docket 115

**\*\*\* VACATED \*\*\* REASON: Off calendar per order entered on 11/18/19-  
mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/25/19. Off calendar. By stipulation and order, evidentiary hearing is reset for 1/17/20 at 9:00 a.m. No appearances are required on 11/26/19.

Prior tentative ruling as of 11/13/19. Off calendar. Evidentiary hearing on 11/15/19 vacated by order entered on 11/13/19, and telephonic status conference is set for 11/26/19 at 1:30 p.m. to reschedule evidentiary hearing if the parties are unable to stipulate to a continued hearing date and time. No appearances are required on 11/15/19.

Revised tentative ruling as of 10/2/19. Off calendar. Continued by stipulation and order to 11/15/19 at 9:00 a.m. No appearances are required on 10/4/19.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/31/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19.

Prior tentative ruling. Treat the motion objecting to claim as a contested matter under FRBP 9014 and set a schedule of pretrial proceedings, including discovery, since there are disputed issues of material fact. Parties should confer regarding an appropriate schedule if they can. Appearances are required on 5/8/19, but counsel may appear by telephone.

Creditor may be entitled to its claim for attorneys' fees under 11 U.S.C. 506(b) pursuant to contract based on its loan agreement secured by deed of trust,

**United States Bankruptcy Court  
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1:30 PM

CONT...

**Raesi Group, Inc**

**Chapter 11**

which were upheld as valid in the state court litigation. The four elements for a claim under 11 U.S.C. 506(b) are: (1) its claim is an allowed secured claim; (2) it is an oversecured creditor; (3) the fees it asserts are reasonable; and (4) the fees it asserts are provided for under an agreement under which such claim arose, or the fees are provided for under a state statute under which the creditor's claim arose. In re Astle, 364 B.R. 735, 741 (Bankr. D. Idaho 2007). The claim is an allowed secured claim based on the state court judgment, though the judgment is on appeal. The creditor is an oversecured creditor, which is not in dispute. The reasonableness of the fees it asserts is in material dispute. Creditor has only submitted redacted versions of its counsel's fee statements, which do not provide sufficient information for the court to review for reasonableness. Creditor must file unredacted versions, or submit unredacted versions in camera with a privilege log if creditor claims that the reacted matter is privileged. Debtor as the objecting party must carry its burden of explaining what in the fee statements are unreasonable or at least what would be reasonable under the circumstances. In re Koncicky, 2007 WL 7540997 (9th Cir. BAP 2007)(unpublished memorandum opinion) (citation omitted). Debtor has the responsibility to challenge the information and provide evidence controverting that produced by creditor. Id. Debtor has not met this burden. The fees that creditor asserts are provided by the loan agreement between it and its borrower providing for reasonable attorneys' fees if it incurs or pays to maintain, protect or enforce its rights under the loan agreement as secured by the deed of trust. Exhibits A and C to Favela Declaration. Case law in California allows such fees to be added to the balance under the promissory note secured by trust deed. Chacker v. JPMorgan Chase Bank, N.A., 27 Cal.App.5th 351, 356-358 (2018). However, there is no separate award of attorneys' fees authorized by statute, such as California Civil Code 1717 because debtor is not a signatory to the contract in the loan agreement and creditor has not otherwise shown that it would have been liable for the fees of the opposing party if the opposing party had prevailed. Asphalt Professionals, Inc. v. Davis (In re Davis), 595 B.R. 818, 837 (Bankr. C.D. Cal. 2019), citing, Dell Merk, Inc. v. Franzia, 132 Cal.App.4th 443, 441 (2005). Thus, creditor will need to submit fully unredacted copies of its fee statements to the court, and debtor will need to explain what in the fee statements are unreasonable and/or produce evidence showing that the fees are unreasonable.

**Party Information**

**United States Bankruptcy Court  
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**Tuesday, November 26, 2019**

**Hearing Room 1675**

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**CONT... Raesi Group, Inc**

**Chapter 11**

**Debtor(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker

**Movant(s):**

Raesi Group, Inc

Represented By  
Christopher P Walker



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, November 26, 2019

Hearing Room 1675

2:30 PM

2:13-28497 Corona Care Convalescent Corporation and Dietitians of

Chapter 7

#6.00 Hearing re: Motion of chapter 7 trustee for an order approving the sale of certain assets of the debtors estate free and clear of liens, claims, interests, and encumbrances pursuant to 11 U.S.C. §§ 105 and 363 and related relief

Docket 667

**Tentative Ruling:**

Not all creditors on the creditors' mailing matrix were served with notice as shown on the proof of service and notice of electronic filing (NEF) pursuant to FRBP 2002(a)(2) and 6004(a) and LBR 6004-1 and 9013-1. Given the practicalities of the situation, i.e., the modest amount involved in the sale, and lack of opposition thereto from the served creditors and interested parties, the court will grant the motion with the movant trustee understanding that the sale order may be subject to collateral attack by the unserved creditors. The motion otherwise should be granted for the reasons stated in the moving papers and for lack of timely written opposition by the served creditors and interested parties. Appearances are optional on 11/26/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Corona Care Convalescent

Represented By  
M. Jonathan Hayes  
Michael Jay Berger

**Trustee(s):**

Richard K Diamond (TR)

Represented By  
Steven J Schwartz  
Howard Kollitz  
Walter K Oetzell  
Zev Shechtman  
Sonia Singh

**United States Bankruptcy Court  
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**Tuesday, November 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#7.00** Cont'd hearing re: Motion for summary judgment; judgment is dischargeable, plaintiff has no standing in case, unclean hands fr. 11/19/19

Docket 91

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/26/19 to 12/10/19 at 2:30 p.m. per order entered on 11/21/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 12/10/19 at 2:30 p.m. by prior order. No appearances are required on 11/26/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
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**Tuesday, November 26, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#8.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 7/30/19, 10/8/19, 11/19/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 11/26/19 to 12/10/19 at 2:30 p.m. per order entered on 11/21/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 11/25/19. Off calendar. Continued to 12/10/19 at 2:30 p.m. by prior order. No appearances are required on 11/26/19.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits. Plaintiff to discuss the status of assignment of the judgment to Ms. Lollar or a motion for reconsideration on denial of plaintiff's motion for summary judgment or a renewed motion for summary judgment. The court intends to set a pretrial conference in about 90 days in January 2020 and then set the matter for trial at the pretrial conference. Appearances are required on 10/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the

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**Tuesday, November 26, 2019**

**Hearing Room 1675**

2:30 PM

**CONT...**     **Mary Katherine Cummins-Cobb**  
court's website.

**Chapter 7**

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Defendant(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Plaintiff(s):**

|                     |                                     |
|---------------------|-------------------------------------|
| Konstantin Khionidi | Represented By<br>Philip H Stillman |
|---------------------|-------------------------------------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, November 27, 2019**

**Hearing Room 1675**

9:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#1.00** EVIDENTIARY HEARING RE: Motion for order authorizing debtor to obtain credit pursuant to §364(c)(2) fr. 11/14/19

Docket 195

**\*\*\* VACATED \*\*\* REASON: Off calendar per order entered on 11/15/19-  
mb.**

**Tentative Ruling:**

Off calendar. Motion resolved by order entered on 11/15/19, which vacated continued hearing on 11/27/19. No appearances are required on 11/27/19.

**Party Information**

**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-22699 Oscar Hernandez and Cacilda Dorado**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Autumn Wind, LLC VS Debtors)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. Deny request to terminate co-debtor stay under 11 U.S.C. 1201(a) or 1301(a) since neither of those provisions apply in a Chapter 7 bankruptcy case. Deny requests for extraordinary relief in paragraphs 9 and 11 for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Oscar Hernandez

Represented By  
Lisa F Collins-Williams

**Joint Debtor(s):**

Cacilda Dorado

Represented By  
Lisa F Collins-Williams

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

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10:30 AM

**CONT... Oscar Hernandez and Cacilda Dorado**

**Chapter 7**

**Movant(s):**

Autumn Wind, LLC

Represented By  
Dana J Seyler

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-18159 Martha Alicia Fernandez**

**Chapter 7**

Adv#: 2:18-01327 Walden et al v. Fernandez

- #1.10** Cont'd pretrial conference re: Complaint for non-dischargeability of debtor under §523(a)(2)(A)  
fr. 8/13/19, 11/12/19, 11/19/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. The joint pretrial stipulation is missing stipulated fact no. 15, which is blank, and the joint exhibit list and any objections to the exhibits referred to in the joint pretrial stipulation, but the exhibit list and objections are not attached. Appearances are required on 12/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/18/19. Off calendar. The court has reviewed the counsel declarations regarding preparation of the joint pretrial stipulation. The court on its own motion continues the pretrial conference to 12/3/19 at 11:00 a.m. and extends the time for the parties to file a joint pretrial stipulation to 11/26/19. The court expects that the parties will meet and confer to resolve their differences and submit a joint pretrial stipulation, not unilateral pretrial statements, by 11/26/19 (the parties should be able at least to agree to disagree so that there is one joint pretrial stipulation), and the court will impose sanctions of \$250 each on the culpable parties for failure to submit a joint pretrial stipulation as provided in LBR 7016-1. No appearances are required on 11/19/19.

Prior tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/19/19 at 2:00 p.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 8/12/19. Appearances are required on 8/13/19, and parties to address the status of mediation, their failure to conduct a meeting of counsel pursuant to LBR 7026-1, the status of discovery and scheduling of further proceedings.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Martha Alicia Fernandez**

**Chapter 7**

Prior tentative ruling as of 3/11/19. The court has reviewed the joint status report. Set a discovery cutoff date of 7/1/19 and a post-discovery status conference on 7/30/19 at 1:30 p.m. with a joint status report due on 7/23/19. Appearances are required on 3/12/19 to discuss the failure of counsel to have the early meeting of counsel under LBR 7026-1 and whether the matter should be referred to mediation, but counsel may appear by telephone.

Prior tentative ruling. The court notes that the parties failed to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference in adversary proceeding filed and entered on 10/23/18, and such failure may subject the parties to monetary sanctions of \$100 each. The parties have not indicated to the court that they have met and conferred as required by Federal Rule of Bankruptcy Procedure 7026 and Local Bankruptcy Rule 7026-1. Appearances are required on 1/8/19.

**Party Information**

**Debtor(s):**

Martha Alicia Fernandez

Represented By  
Gary S Saunders

**Defendant(s):**

Martha Alicia Fernandez

Pro Se

**Plaintiff(s):**

Yvette Walden

Pro Se

Guadalupe L Cruz

Pro Se

Jose L Cruz

Pro Se

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-12119 SOCALDEAL INC**

**Chapter 7**

Adv#: 2:19-01435      Goodrich v. Amazon Loan Services

**#2.00**      Status conference re: Complaint for: 1) Avoidance of preferential transfers pursuant to 11 U.S.C. § 547; 2) Recovery of property pursuant to 11 U.S.C. § 550; 3) Preservation of avoided transfers pursuant to 11 U.S.C. § 551; 4) Disallowance of claims pursuant to 11 U.S.C. § 502(d); and 5) Turnover of property of the estate pursuant to 11 U.S.C. § 542

Docket      1

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 12/3/19 to 1/7/20 at 1:30 p.m.  
per stip & order entered on 11/6/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 1/7/20 at 1:30 p.m. No appearances are required on 12/3/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

SOCALDEAL INC

Represented By  
Fari B Nejadpour

**Defendant(s):**

Amazon Loan Services

Pro Se

**Plaintiff(s):**

David M. Goodrich

Represented By  
Faye C Rasch

**Trustee(s):**

David M Goodrich (TR)

Represented By  
Faye C Rasch  
Beth Gaschen  
Weiland Golden Goodrich LLP

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-23326 Alfred Lee Stringer**

**Chapter 7**

Adv#: 2:19-01053 Lee et al v. Stringer

**#3.00** Cont'd status conference re: Adversary complaint for determination of dischargeability and objection to debtor's discharge pursuant to 11 U.S.C. §§ 523(a)(2)(A) and 523(a)(6), for attorney's fees and costs  
fr. 4/30/19, 8/27/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits. Appearances are required on 12/3/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Appearances are required on 4/30/19 to address why monetary sanctions of \$100 should not be imposed each on counsel for plaintiffs and defendant who is self-represented for failure to file a joint status report as required by Local Bankruptcy Rule 7016-1 and the court's order setting initial status conference filed and entered on 2/21/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Defendant(s):**

|                     |        |
|---------------------|--------|
| Alfred Lee Stringer | Pro Se |
|---------------------|--------|

**Plaintiff(s):**

|              |                                       |
|--------------|---------------------------------------|
| Mylaunna Lee | Represented By<br>Albert L Chaney III |
|--------------|---------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Alfred Lee Stringer**

**Chapter 7**

Sharlet Marie Lee

Represented By  
Albert L Chaney III

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-15729 Eric John Kaesman**

**Chapter 7**

**#4.00** Status conference re: Creditor Ann Marie Kaesman's motion to dismiss chapter 7 case pursuant to 11 U.S.C. §§ 707(b)(1) and (b)(2) fr. 9/17/19

Docket 23

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits. Appearances are required on 12/3/19 to discuss whether the contested matter will proceed now that debtor has amended his schedules and trustee has withdrawn his objection to the claimed exemption, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set an evidentiary hearing since there are disputed issues of material fact for the court to resolve to rule on the motion. See In re Perrotta, 378 B.R. 27, 30 (Bankr. D. N.H. 2007). The parties dispute whether the presumption of abuse arises and how the means test is computed here, and the results may change if debtor amends his schedules as he represented in his opposition. Movant has not shown that debtor may not amend his schedules for purposes of the means test in light of the liberality of the policy to allow a debtor to amend his schedules under FRBP 1009. The court will treat the hearing as a status conference in which the court will discuss scheduling of further proceedings. The parties should be prepared to discuss their pretrial needs, including discovery. Appearances are required on 9/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Eric John Kaesman

Represented By  
Stephen A Madoni  
Maureen Strube

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Eric John Kaesman**

Nancy H Zamora

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:00 PM

**2:16-24760 Philip Joseph Jaurigui**

**Chapter 7**

Adv#: 2:17-01245 7175 WB, LLC v. Jaurigui

**#5.00** Cont'd pretrial conference re: Complaint to determine nondischargeability of debt (11 U.S.C. §§523(a)(2) and (a)(6))  
fr. 1/29/19, 6/25/19, 10/1/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/3/19 to 1/28/20 at 2:00 p.m.  
per stip & order entered on 12/2/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. Off calendar. Continued by stipulation and order to 1/28/20 at 2:00 p.m. No appearances are required on 12/3/19.

No updated tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

No updated tentative ruling as of 5/11/18. Appearances are required on 5/16/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/23/18. Appearances are required on 4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:00 PM

**CONT... Philip Joseph Jaurigui**

**Chapter 7**

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits.  
Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits.  
Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits.  
Appearances are required on 11/29/17, but counsel may appear by telephone.

Updated tentative ruling as of 11/6/17. No tentative ruling on the merits.  
Appearances are required on 11/8/17, but counsel may appear by telephone.

Prior tentative ruling as of 7/24/17. No tentative ruling on the merits.  
Appearances are required on 7/26/17, but counsel may appear by telephone.

Updated tentative ruling as of 7/11/17. No tentative ruling on the merits.  
Appearances are required on 7/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 6/27/17, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Philip Joseph Jaurigui

Represented By  
Leonard Pena

**Defendant(s):**

Philip Joseph Jaurigui

Pro Se

**Plaintiff(s):**

7175 WB, LLC

Represented By  
Michael D Good



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

Adv#: 2:19-01140 GemCap Lending I, LLC v. Great Rock Capital Partners Management, LLC

**#6.00** Cont'd status conference re: Adversary complaint for equitable subordination  
fr. 8/27/19, 9/17/19, 10/22/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Notice of voluntary dismissal filed on  
10/17/19-mb.**

**Tentative Ruling:**

Off calendar. Adversary proceeding voluntarily dismissed by notice filed on  
10/17/19. No appearances are necessary.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith

**Defendant(s):**

Great Rock Capital Partners

Pro Se

**Plaintiff(s):**

GemCap Lending I, LLC

Represented By  
Carol Chow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#7.00** Cont'd hearing re: Defendants' motion to dismiss claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure fr. 11/12/19

Docket 10

**Tentative Ruling:**

No tentative ruling as of 12/2/19. Appearances are required on 12/3/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Represented By  
Brian L Davidoff

Bahram Bordbar

Represented By  
Brian L Davidoff

Malahat Bordbar

Represented By  
Brian L Davidoff

Sara Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT...**

**Prototype Engineering & Manufacturing, Inc.**

Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#8.00** Cont'd status conference re: Plaintiff's complaint for: (1) avoidance of actual fraudulent transfers; (2) avoidance of constructive fraudulent transfers; (3) recovery of avoided transfers; (4) breach of fiduciary duty; (5) recovery of prohibited distributions; (6) unjust enrichment; (7) aiding and abetting breach of fiduciary duty; and (8) substantive consolidation of certain defendants with the debtor's estate  
fr. 11/5/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits.  
Appearances are required on 12/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report, noting that pending motions of defendants to dismiss certain claims and motion of third parties to substitute or intervene were noticed for hearing on 11/12/19 at 2:30 p.m. and suggesting that the status conference be continued to that date or some date after. The court takes judicial notice that it had ordered that the hearing on the motion to dismiss as amended in light of the amended complaint was continued to 12/3/19 at 2:30 p.m. Accordingly, the court on its own motion continues the status conference to 12/3/19 at 2:30 p.m. to be conducted with the hearing on the motion to dismiss claims of the amended complaint now set for 12/3/19 at 2:30 p.m. because the ruling on the motion may have an impact on the status of the matter. No appearances are required on 11/5/19.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Bahram Bordbar Pro Se

Malahat Bordbar Pro Se

Sara Bordbar Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-16672 Drubern Corporation**

**Chapter 7**

**#9.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[David M. Goodrich, Chapter 7 Trustee]

Docket 21

**Tentative Ruling:**

Approve trustee's final report and fee application for the reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/3/19, but counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Drubern Corporation

Represented By  
Robert M Aronson

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-22570 Ashley Latimer**

**Chapter 7**

**#10.00** Hearing re: Motion for order authorizing substantive consolidation of the debtors' estates

Docket 42

**Tentative Ruling:**

Overrule opposition of Robert Whitney Latimer, II, to trustee's motion for substantive consolidation on grounds that he lacks standing to object as despite his contention that he is a creditor, he has not filed any claim, nor is he listed as a creditor in either bankruptcy case on the petitions and schedules of debtors. Matter of Fondiller, 707 F.2d 441, 443 (9th Cir. 1983). His status as a defendant in an adversary proceeding is not enough to confer standing to object. *Id.*

Grant motion of trustee for substantive consolidation for the reasons stated in the moving and reply papers, specifically, on grounds that a majority of the debts in both cases are community debts for which debtors are jointly liable, indicating that debtors were treated as a single economic unit and did not rely upon their separate identity in extending credit and that their affairs were so entangled during their marriage that consolidation would benefit all creditors. In re Bonham, 229 F.3d 750, 766 (9th Cir. 2000).

Appearances are required on 12/3/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ashley Latimer

Represented By  
Lane K Bogard

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Ryan W Beall  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-15729 Eric John Kaesman**

**Chapter 7**

**#11.00** Hearing re: Trustee's objection to debtor's claimed exemption

Docket 32

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal filed on 11/22/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by notice filed on 11/22/19. No appearances are required on 12/3/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Eric John Kaesman

Represented By  
Stephen A Madoni  
Maureen Strube

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Nancy H Zamora



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 3, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-22215 Joshua Daniel Escobar**

**Chapter 7**

**#12.00** Order to show cause re: dismissal for failure to comply with rule 1006(b)

Docket 11

**\*\*\* VACATED \*\*\* REASON: Paid the first installment on 11/14/19-mb.**

**Tentative Ruling:**

Off calendar. Order to show cause is discharged because debtor paid first installment of filing fee. No appearances are required on 12/3/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Joshua Daniel Escobar

Pro Se

**Trustee(s):**

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-15626 Forbco Sizzler Partners, L.P.**

**Chapter 11**

**#1.00** Cont'd status conference re: Post confirmation of plan  
fr. 11/28/18, 3/27/19, 5/29/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits.  
Appearances are required on 12/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. The court has reviewed debtor's status  
report. No tentative ruling on the merits. Appearances are required on  
5/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Forbco Sizzler Partners, L.P.

Represented By  
Robert E Opera  
Sean A OKeefe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-26021 L Scott Apparel Inc.**

**Chapter 11**

**#2.00** Cont'd status conference re: Post confirmation of plan  
fr. 1/16/19, 1/30/19, 5/29/19

Docket 140

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits.  
Appearances are required on 12/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/28/19. No tentative ruling on the merits.  
Appearances are required on 5/29/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**Movant(s):**

L Scott Apparel Inc.

Represented By  
David W Levene  
Kurt Ramlo  
Paul J Kurtzhall

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#3.00** Hearing re: Motion to convert chapter 11 case to chapter 7

Docket 167

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. Treat creditor David Tilem's motion to convert case under 11 U.S.C. 1112(b)(1) as a contested matter under FRBP 9014 in light of the opposition of proposed representative of debtor's probate estate, David Kudrave. However, the probate petition is pending with a hearing to have taken place on the petition on 11/26/19. In determining a motion to convert or dismiss a Chapter 11 bankruptcy case under 11 U.S.C. 1112(b)(1), the court is to engage in a two-step analysis, first, to determine whether cause exists to dismiss or convert, and second, to determine whether dismissal, conversion or appointment of a trustee or examiner is in the best interests of the creditors and the estate, and to identify whether there are unusual circumstances that establish that dismissal or conversion is not in the best interests of creditors and the estate. In re Sullivan, 522 B.R. 604, 612 (9<sup>th</sup> Cir. BAP 2014). As to step one, showing cause, it appears that cause is shown based on debtor's failure to file post-confirmation status reports as set forth in the order confirming the Chapter 11 plan and on a material default in not escrowing funds to pay creditor's professional fees as provided in the confirmed plan. 11 U.S.C. 1112(b)(4)(E) and 1112(b)(4)(N). Whether or not there are other plan defaults such as making of plan and mortgage payments and payment of United States Trustee fees is disputed by the proposed probate representative. The proposed probate representative does not dispute the defaults, but states that such defaults will be cured when he is substituted in the case for debtor upon a motion to be filed once he receives letters testamentary from the state court supervising the probate case. As to step two, determining whether dismissal, conversion or appointment of a trustee is in the best interests of creditors and the estate and identifying whether unusual circumstances exist not to dismiss or convert the case, the court must consider the best interests of all creditors, and not just the interests of the one creditor, movant. In re Owens, 552 F.3d 958, 960-961

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

(9<sup>th</sup> Cir. 2009). As an option, dismissal is not addressed in the moving papers, and if the property of reorganized debtor is subject to probate court jurisdiction, the distribution of such property may be subject to the probate exception to federal jurisdiction under *Marshall v. Marshall*, 547 U.S. 293 (2006). The creditors and the estate may be better off litigating themselves in state court if the probate exception applies. However, as indicated in the opposition, the major asset of the estate, debtor's residence, "devolved" to debtor's beneficiaries, apparently outside probate, through a trust since the proposed probate representative is also the trustee of debtor's family trust. However, the record is unclear what the status of title of debtor's residence is now, though creditor suggests that there may have been fraudulent transfers. If the property was transferred outside of probate, then the probate exception to federal jurisdiction may not apply. The court is inclined to determine that assuming that either dismissal or conversion is appropriate, there may be unusual circumstances not to warrant dismissal or conversion at this time on grounds that there was reasonable justification for the defaults based on the illness and death of debtor and the defaults will be cured within a reasonable period of time. The proposed probate representative has attested that there are no defaults in the mortgage payments on the residence and the plan payments, which have been made by debtor or by him, and defaults in filing status reports will be cured, and is seeking letters testamentary in order to act on behalf of debtor's probate estate to substitute for debtor to proceed with the confirmed plan and cure any plan defaults within a reasonable time pursuant to 11 U.S.C. 1112(b)(2)(B). Thus, the court would determine based on the death of debtor, the suggestion of death on the record, and the proposed probate representative's representations that he is seeking probate court authority to substitute in the case for debtor within the 90 days from the suggestion of death on the record pursuant to FRCP 25(a)(1) and cure the plan default in order to proceed with the confirmed plan constitutes compelling circumstances to depart from the time limits of 11 U.S.C. 1112(b)(3), and thus, the court would continue the hearing on the motion to convert until after the 90 day deadline for substitution of debtor under FRCP 25(a) has passed. The creditors as a whole may be better off if the proposed probate representative is substituted in and cures the defaults on the plan, and these circumstances are compelling to deviate from the deadlines of 11

**United States Bankruptcy Court  
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Los Angeles  
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**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

U.S.C. 1112(b)(3) to ascertain whether cure by the proposed probate representative within a reasonable period of time is viable. The court contemplates that only a relatively short continuance of the hearing on the motion to convert would be needed to ascertain this (roughly 60 days since the 90 day deadline expires on or about 1/7/20). The court notes that both creditor and proposed probate representative have indicated an intention to file a motion to substitute within the 90 day time limit of FRCP 25(a)(1). Appearances are required on 12/4/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#4.00** Hearing re: Motion under 11 U.S.C. §1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee

Docket 187

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawal filed on 11/25/19-mb.**

**Tentative Ruling:**

Off calendar. Motion voluntarily dismissed by notice filed on 11/25/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#5.00** Cont'd hearing re: Disclosure statement  
fr. 11/6/19

Docket 67

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. Approve disclosure statement as containing adequate information and for lack of timely written opposition. Appearances are required on 12/4/19 to discuss scheduling of plan confirmation proceedings, but counsel may appear by telephone.

Prior tentative ruling. Debtor did not give the required 42 days notice of hearing on his motion for approval of the disclosure statement pursuant to LBR 3017-1(a), and the motion will have to be renoticed to comply with the rule. Counsel has informally indicated to the court that Debtor will renotify the motion to comply with the rule. Appearances are required on 11/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10297 Roger Timothy Ruiz**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 3/6/19, 8/14/19, 11/13/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits. Appearances are required on 12/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/11/19. Off calendar. The court has reviewed debtor's status report. The court on its own motion continues the status conference to 12/4/19 at 11:00 a.m. to be conducted with the rescheduled hearing on the motion to approve the disclosure statement. No appearances are required on 11/13/19.

Prior tentative ruling as of 8/13/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/6/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Roger Timothy Ruiz

Represented By  
Marcus G Tiggs

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 4, 2019

Hearing Room 1675

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#7.00** Cont'd hearing re: First interim fee application of SulmeyerKupetz, a Professional Corporation, General Bankruptcy Counsel for debtors  
fr. 11/12/19

Docket 217

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/4/19 to 12/11/19 at 11:00  
a.m. per order entered on 11/14/19**

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. Off calendar. Continued by stipulation and order to 12/11/19 at 11:00 a.m. No appearances are required on 12/4/19.

Prior tentative ruling. Although the court has reviewed the interim fee application of general bankruptcy counsel for debtors in possession and has no substantive objections to the application and the court notes that there are no timely written objections to the application, service is deficient because not all creditors on the creditors mailing matrix were served as required by FRBP 2002(a)(6) since the request is for compensation or expenses exceeding \$1,000: Creditors Francis Ginsberg, Louis Jacobs and Naomi Jacobs 1990 Revocable Inter Vivos Trust dated April 16, 1990. Even though applicant served all of the parties specifically listed in LBR 2016-1(a)(2)(B), this rule also has a cross-reference to FRBP 2002 and requires service on any other party in interest entitled to notice under that rule. FRBP 2002(a)(6) and 9013 require notice on all creditors of a hearing on any entity's request for compensation or reimbursement of expenses if the request exceeds \$1,000, which it does here. Also, the client signature on the declaration of nonopposition pursuant to LBR 2016-1(a)(1)(J) and (K) has not been filed as represented in the application. Since the cash on hand in the estate is only \$83,488.11, debtors and applicant need to state how payment will be made if the court approves the application. Also, applicant should understand that any payment may be subject to disgorgement from a decision on the pending motion to disqualify applicant as estate counsel, which is now set for hearing on 1/29/20. Appearances are required on 11/12/19, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
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Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

- #7.10** Cont'd order to show cause why sanctions should not be imposed against debtor and/or his counsel of record, Jaurigue Law Group, including dismissal and monetary sanctions, for failure to appear at the status conference on October 9, 2019 and for failure to file quarterly United States Trustee post-confirmation status report fr. 11/20/19

Docket 142

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits. Appearances are required on 12/4/19 to discuss status of delinquent quarterly operating reports, but counsel may appear by telephone.

Prior tentative ruling. The court having reviewed counsel declaration in response to the order to show cause has issued an order partially discharging the order to show cause as to the failure to appear at the status conference. Appearances are required on 11/20/19 to address failure to file quarterly operating reports, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le  
Ryan A. Stubbe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-24071 Francisco O Lopez**

**Chapter 11**

**#7.20** Cont'd status conference re: Post confirmation of plan  
fr. RN, 7/31/19, 10/9/19, 11/20/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/2/19. No tentative ruling on the merits.  
Appearances are required on 12/4/19 to discuss status of delinquent quarterly  
operating reports, but counsel may appear by telephone.

Prior tentative ruling as of 11/18/19. Appearances are required on 11/20/19,  
but counsel may appear by telephone.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits.  
Appearances are required on 10/8/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits.  
Appearances are required on 7/31/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Francisco O Lopez

Represented By  
Nam H. Le

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#8.00** Cont'd hearing re: Motion for monetary and other sanctions under 11 U.S.C. 303(i), (k) fr. 8/20/19, 8/29/19, 9/17/19, 10/22/19

Docket 6

**\*\*\* VACATED \*\*\* REASON: Joint withdrawal filed on 11/20/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by stipulated withdrawal of motions filed on 11/20/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 4, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16670 Reyna Maria Taylor**

**Chapter 7**

**#9.00** Cont'd hearing re: Motion of petitioning creditor to compel debtor to comply with discovery pursuant to FRCP 37(a)  
fr.11/5/19

Docket 64

**\*\*\* VACATED \*\*\* REASON: Joint withdrawal filed on 11/20/19-mb.**

**Tentative Ruling:**

Off calendar. Motion withdrawn by stipulated withdrawal of motions filed on 11/20/19. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Reyna Maria Taylor

Represented By  
Steven M Mayer

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Thursday, December 5, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-21441 Oscar Gomez Navarrete**

**Chapter 7**

**#1.00** TRIAL RE: Motion to avoid lien under 11 U.S.C. §522(f) (real property) with Geoffrey Thomas  
fr. 7/16/19, 8/20/19, 9/10/19

Docket 37

**Tentative Ruling:**

Updated tentative ruling as of 11/22/19. Off calendar. Motion resolved by stipulation and order. No appearances are required on 12/5/19.

Prior tentative ruling as of 9/9/19. No tentative ruling on the merits. Appearances are required on 9/10/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings. Both parties failed to provide separate tabs for exhibits attached to judge's copies of their papers as required by LBR 5005-2(d). Appearances are required on 7/16/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Oscar Gomez Navarrete

Represented By  
Brad Weil

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-15982 Daniel Hyun You**

**Chapter 7**

**#1.00** Cont'd hearing re: Motion for relief from stay  
(Wells Fargo Bank, N.A. VS Debtor)  
fr. 8/27/19, 10/8/19

Docket 15

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/10/19 to 2/11/20 at 10:30  
a.m. per stip & order entered on 12/6/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Off calendar. Continued by stipulation and order to 2/11/20 at 10:30 a.m. No appearances are required on 12/10/19.

Prior tentative ruling as of 10/7/19. Off calendar. Continued by stipulation and order to 12/10/19 at 10:30 a.m. No appearances are required on 10/8/19.

Prior tentative ruling. The hearing is continued by stipulation and order to 10/8/19 at 10:30 a.m. The order further provides that because service of the moving papers was deficient because movant has not served a judge's copy with separately tabbed exhibits as required by Local Bankruptcy Rule 5005-2(d), movant was ordered to comply with the rule and serve a judge's copy of its moving papers with separately tabbed exhibits within 7 days of the date of entry of the order. No appearances are required on 8/27/19.

**Party Information**

**Debtor(s):**

Daniel Hyun You

Represented By  
David Marh

**Trustee(s):**

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-20744 Eva Sieg**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(Prospect Village Investment, LP VS Debtor)

Docket 13

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers.

Deny debtor's request to continue hearing for 45 days based on lack of compelling circumstances to warrant a continuance beyond the mandatory 30-day period to rule on the stay relief motion under 11 U.S.C. 363(e).

No tentative ruling on movant's request to waive the 14-day waiting period under FRBP 4001(a)(3).

Appearances are required on 12/10/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Eva Sieg

Represented By  
Derik N Lewis

**Movant(s):**

Prospect Village Investments, LP

Represented By  
Luke P Daniels

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-21787 Christopher Aaron Vasquez and Tatiana Esperanza Rojas**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Toyota Motor Credit Corporation VS Debtors)

Docket 12

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Christopher Aaron Vasquez

Represented By  
Susan Jill Wolf

**Joint Debtor(s):**

Tatiana Esperanza Rojas Vasquez

Represented By  
Susan Jill Wolf

**Trustee(s):**

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-22426 Dominic M. Rodriguez**

**Chapter 7**

**#4.00** Hearing re: Motion for relief from stay  
(PNC Bank National Association VS Debtor)

Docket 9

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

**Party Information**

**Debtor(s):**

Dominic M. Rodriguez

Represented By  
Daniela P Romero

**Trustee(s):**

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

11:00 AM

**2:12-29526 Owen James Thornton**

**Chapter 7**

**#5.00** Cont'd hearing re: Motion to avoid lien with Nevi Maddy  
fr. 10/15/19, 11/12/19

Docket 26

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/7/19. Creditor Maddy filed the declaration and report of creditor's appraiser on 11/5/19. Parties should address whether an evidentiary hearing is needed on valuation since there may be no need if the parties agree to valuation based on the appraisal report of creditor's expert and then the parties can just argue on the merits of the legal issues. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Treat as a contested matter under FRBP 9014. However, the court notes that the valuation report submitted by creditor Maddy is not in admissible form since there is no declaration under penalty of perjury by the real estate agent providing the valuation opinion and that the valuation opinion is not supported by any valuation analysis. The court will allow an opportunity for creditor to obtain an admissible valuation opinion or report. If creditor obtains an admissible valuation opinion, the court will set the matter for an evidentiary hearing, and requests creditor to provide an estimate on how long it will take to obtain the valuation opinion of the agent or an appraiser and such expert's availability to testify. Appearances are required on 10/15/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Owen James Thornton

Represented By  
James K Chang  
Steven A Alpert

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Owen James Thornton**

**Chapter 7**

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:00 PM

**2:19-10119 David Lee**

**Chapter 11**

**#6.00** Cont'd hearing re: Motion for relief from stay  
(YCCS, LLC VS Debtor)  
fr. 11/5/19, 11/12/19, 11/14/19

Docket 108

**Tentative Ruling:**

Updated tentative ruling as of 12/10/19. Movant filed declarations on 12/4/19 attesting that its loan was not paid through the refinancing escrow and the loan has matured. Debtor filed a declaration of his loan broker on 12/6/19 discussing the refinancing loan that did not go through and further efforts to obtain a refinancing loan for the subject property. As noted in a prior tentative ruling, past the maturity date, the limited case law on point favors movant's position that cause is shown for stay relief because the failure to pay off the loan by the maturity date is an incurable default which cannot be cured by any Chapter 11 plan because any plan that does not pay off the loan by the maturity date is an impermissible modification of movant's lien rights contrary to 11 U.S.C. 1123(b)(5). In re Crump, 529 B.R. 106 (Bankr. D. S.C. 2015); In re Sampson, 2018 WL 4786404 (Bankr. M.D. Fla. 2018); In re Clay, 204 B.R. 786 (Bankr. N.D. Ala. 1996); see also, Worthington v. General Motors Corp. (In re Claremont Acquisition Corp.), 113 F.3d 1029 (9th Cir. 1997). These cases note that the statutory exception in Chapter 13 cases to extend a due date of a maturing loan on the debtor's principal residence does not apply to Chapter 11 cases, indicating that Congress did not mean to provide for such exception for Chapter 11 plans. While there may be grounds to grant stay relief since debtor cannot propose any plan to modify the rights of the movant as a holder of a claim secured only by a security interest in real property that is debtor's principal residence, if debtor can propose a nonplan takeout strategy to be consummated within a reasonable period of time to realize the value of equity in the property for the benefit of the estate (such as obtaining refinancing loan approval by a different lender within a reasonable period of time, say, 60-90 days), the court would deny the motion without prejudice so that debtor could obtain loan approval from a different lender within a reasonable period of time. While the loan has matured, it appears that the parties contemplated that debtor may not pay the loan on the maturity date

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Central District of California  
Los Angeles  
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**Tuesday, December 10, 2019**

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1:00 PM

**CONT...**

**David Lee**

**Chapter 11**

and the parties' loan agreement as reflected in the promissory note (Exhibit 2 to Motion) provides that the existing lender can be compensated for any actual damages from debtor's failure to pay the loan at maturity based on the liquidated damages provisions in the loan agreement. Payment of the loan and secured claim during the pendency of this Chapter 11 case would not per se run afoul of 11 U.S.C. 1123(b)(5).

Appearances are required on 12/10/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/11/19. Appearances are required on 11/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/8/19. Off calendar. Continued by stipulation and order to 11/14/19 at 11:30 a.m. No appearances are required on 11/12/19.

Prior tentative ruling as of 11/7/19. Having read the supplemental briefs filed by the parties, at this time, the court is inclined to agree with debtor that the motion is premature because he still has time to cure and pay off movant's lien to secure the loan on debtor's principal residence before it matures on 12/1/19 and would deny the motion without prejudice or continue with movant's consent the hearing to after the maturity date because debtor seeks to recover the equity in the property for the estate. (The court notes that debtor filed a motion for approval of postpetition financing to approve a new loan to take out the existing loans on the property on 11/7/19, which has been set for hearing on shortened notice on 11/14/19 at 11:30 a.m.) However, past the maturity date, the limited case law on point favors movant's position that cause is shown for stay relief because the failure to pay off the loan by the maturity date is an incurable default which cannot be cured by any Chapter 11 plan because any plan that does not pay off the loan by the maturity date is an impermissible modification of movant's lien rights contrary to 11 U.S.C. 1123(b)(5). In re Crump, 529 B.R. 106 (Bankr. D. S.C. 2015); In re Sampson, 2018 WL 4786404 (Bankr. M.D. Fla. 2018); In re Clay, 204 B.R. 786 (Bankr. N.D. Ala. 1996); see also, Worthington v. General Motors Corp. (In re Claremont Acquisition Corp.), 113 F.3d 1029 (9th Cir. 1997). These cases note that the statutory exception in Chapter 13 cases to extend a due date of



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:00 PM

**CONT...**

**David Lee**

**Chapter 11**

a maturing loan on the debtor's principal residence does not apply to Chapter 11 cases, indicating that Congress did not mean to provide for such exception for Chapter 11 plans. Appearances are required on 11/12/19, but counsel may appear by telephone.

Prior tentative ruling. Deny stay relief motion for failure of creditor to meet its burden of proving lack of equity of debtor in collateral under 11 U.S.C. 362(g) (1). Creditor's moving papers on their face show that debtor has equity in the subject property and thus fail to demonstrate lack of equity under 11 U.S.C. 362(d)(2). Moreover, creditor's moving papers lack admissible evidence to demonstrate lack of equity to demonstrate lack of adequate protection under 11 U.S.C. 362(d)(1) because its valuation evidence is not supported by a declaration under penalty of perjury by a qualified valuation expert witness who has conducted a proper valuation analysis based on scientifically accepted valuation principles (i.e., sales comparables analysis) and only consists of hearsay opinions of unknown persons based on unknown analysis. Furthermore, creditor's moving papers on their face fail to demonstrate lack of adequate protection since they indicate a 28% equity cushion to adequately protect its lien interest in the subject property. In re Mellor, 734 F.2d 1396 (9th Cir. 1984). Finally, deny requests for extraordinary relief in paragraphs 8, 10 and 11 for lack of evidentiary and/or legal support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2009). Appearances are required on 7/30/19, but counsel may appear by telephone.

|                          |
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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22570 Ashley Latimer**

**Chapter 7**

Adv#: 2:19-01284 Avery v. Latimer, III

- #7.00** Cont'd status conference re: Complaint: (1) To Avoid Preferences and Recover Fraudulently Transferred Property 11 U.S.C. §§ 544(b); 550; Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. §§ 3001, et seq; (2) For Avoidance of Transfer Under 11 U.S.C. § 544(a)93); (3) For Recovery of Avoided Transfers Under 11 U.S.C. § 550; and (4) To Preserve Transfer for the Benefit of the Estate Pursuant to 11 U.S.C. § 551  
fr. 11/5/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. The court will discuss the status of plaintiff filing an amended complaint now that he has filed a motion for substantive consolidation. Appearances are required on 12/10/19, but counsel may appear by telephone..

Prior tentative ruling. The court has reviewed the joint status report. In light of the court's order of 10/24/19 granting defendants' motion to dismiss with leave to amend on certain conditions, the court on its own motion continues the status conference to 12/10/19 at 1:30 p.m. The court waives the requirement of a written joint status report for the status conference on 12/10/19. No appearances are required on 11/5/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Ashley Latimer

Represented By  
Lane K Bogard

**Defendant(s):**

Robert Whitney Latimer II

Pro Se

**Plaintiff(s):**

Wesley H. Avery

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

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1:30 PM

CONT... Ashley Latimer

David M Goodrich

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Ryan W Beall  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-22570 Ashley Latimer**

**Chapter 7**

**#7.10** Cont'd hearing re: Motion for order authorizing substantive consolidation of the debtors' estates  
fr. 12/3/19

Docket 42

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Based on the court's order for reargument of the motion, the court will hear further argument from the parties on the standing of the objecting party and the implications of substantive consolidation in these cases. Appearances are required on 12/10/19, but counsel may appear by telephone.

Prior tentative ruling. Overrule opposition of Robert Whitney Latimer, II, to trustee's motion for substantive consolidation on grounds that he lacks standing to object as despite his contention that he is a creditor, he has not filed any claim, nor is he listed as a creditor in either bankruptcy case on the petitions and schedules of debtors. Matter of Fondiller, 707 F.2d 441, 443 (9th Cir. 1983). His status as a defendant in an adversary proceeding is not enough to confer standing to object. *Id.*

Grant motion of trustee for substantive consolidation for the reasons stated in the moving and reply papers, specifically, on grounds that a majority of the debts in both cases are community debts for which debtors are jointly liable, indicating that debtors were treated as a single economic unit and did not rely upon their separate identity in extending credit and that their affairs were so entangled during their marriage that consolidation would benefit all creditors. In re Bonham, 229 F.3d 750, 766 (9th Cir. 2000).

Appearances are required on 12/3/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Ashley Latimer

Represented By  
Lane K Bogard

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Ashley Latimer**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Ryan W Beall  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

**#7.20** Cont'd hearing re: Defendants' motion to dismiss claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure fr. 11/12/19, 12/3/19

Docket 10

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Off calendar. The court is preparing a written order on the motion that it will issue shortly. No appearances are required on 12/10/19.

No tentative ruling as of 12/2/19. Appearances are required on 12/3/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow

**Defendant(s):**

Leya Technologies, LLC

Represented By  
Brian L Davidoff

Bahram Bordbar

Represented By  
Brian L Davidoff

Malahat Bordbar

Represented By  
Brian L Davidoff

Sara Bordbar

Pro Se

**Plaintiff(s):**

Wesley H Avery

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay  
Lindsey L Smith  
Irving M Gross

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-21018 Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #7.30** Cont'd status conference re: Plaintiff's complaint for: (1) avoidance of actual fraudulent transfers; (2) avoidance of constructive fraudulent transfers; (3) recovery of avoided transfers; (4) breach of fiduciary duty; (5) recovery of prohibited distributions; (6) unjust enrichment; (7) aiding and abetting breach of fiduciary duty; and (8) substantive consolidation of certain defendants with the debtor's estate  
fr. 11/5/19, 12/3/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Off calendar. The court is preparing a written order on the motion to dismiss and will continue the status conference to another date. No appearances are required on 12/10/19.

Prior tentative ruling as of 12/2/19. No tentative ruling on the merits. Appearances are required on 12/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report, noting that pending motions of defendants to dismiss certain claims and motion of third parties to substitute or intervene were noticed for hearing on 11/12/19 at 2:30 p.m. and suggesting that the status conference be continued to that date or some date after. The court takes judicial notice that it had ordered that the hearing on the motion to dismiss as amended in light of the amended complaint was continued to 12/3/19 at 2:30 p.m. Accordingly, the court on its own motion continues the status conference to 12/3/19 at 2:30 p.m. to be conducted with the hearing on the motion to dismiss claims of the amended complaint now set for 12/3/19 at 2:30 p.m. because the ruling on the motion may have an impact on the status of the matter. No appearances are required on 11/5/19.

**Party Information**

**Debtor(s):**

Prototype Engineering &

Represented By  
Carol Chow



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

1:30 PM

**CONT... Prototype Engineering & Manufacturing, Inc.**

**Chapter 7**

**Defendant(s):**

|                        |        |
|------------------------|--------|
| Leya Technologies, LLC | Pro Se |
| Bahram Bordbar         | Pro Se |
| Malahat Bordbar        | Pro Se |
| Sara Bordbar           | Pro Se |

**Plaintiff(s):**

|                |                                 |
|----------------|---------------------------------|
| Wesley H Avery | Represented By<br>Carmela Pagay |
|----------------|---------------------------------|

**Trustee(s):**

|                     |   |
|---------------------|---|
| Wesley H Avery (TR) | Represented By<br>Timothy J Yoo<br>Carmela Pagay<br>Lindsey L Smith<br>Irving M Gross |
|---------------------|---|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

**#8.00** Cont'd pretrial conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs  
fr. 6/25/19, 10/1/19, 11/12/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. The court agrees with plaintiff that alleged facts #25-32 and alleged issue of law #72 in defendants' proposed pretrial stipulation are precluded by the ruling on the motion for partial summary adjudication and that the boxed facts in plaintiff's revised draft pretrial stipulation were established by the ruling on the motion for partial summary adjudication. No tentative ruling on alleged issues of law #70-71 in defendants' proposed pretrial stipulation, which appear to be included in plaintiff's revised draft pretrial stipulation as alleged disputed facts #34-35. While the parties listed their exhibits, they did not list their objections to each other's exhibits as required by Local Bankruptcy Rule 7016-1. Does this mean that there are no objections to any of the exhibits being offered? Appearances are required on 12/9/19 to discuss the proposed pretrial stipulations and scheduling of trial, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/8/19. No tentative ruling on the merits. Appearances are required on 11/12/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 9/30/19. No tentative ruling. Appearances are required on 10/1/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:00 PM

**CONT...**      **People Who Care Youth Center, Inc.**  
posted online on the court's website.

**Chapter 11**

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/29/19 to discuss scheduling and possibility of mediation, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The status conference will be conducted with the hearings on the motions to dismiss and strike on the 2:30 p.m. calendar. Appearances are required at 2:30 p.m., not 1:30 p.m.

Prior tentative ruling as of 7/16/18. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 7/17/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report and continues the status conference on its own motion to 7/17/18 at 2:30 p.m., the date and time of the hearings on defendant Curtis's motion to dismiss and defendant Ammec's motion to set aside default. Plaintiff to give written notice of continuance of status conference. No appearances are required on 7/10/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                                    |  |
|------------------------------------|--|
| People Who Care Youth Center, Inc. | Represented By<br>John-Patrick M Fritz |
|------------------------------------|--|

**Defendant(s):**

|              |        |
|--------------|--------|
| Ammec, Inc.  | Pro Se |
| Greta Curtis | Pro Se |

**Plaintiff(s):**

|                                    |   |
|------------------------------------|---|
| People Who Care Youth Center, Inc. | Represented By<br>John-Patrick M Fritz<br>David B Golubchik |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-17972 Sion Javaheri**

**Chapter 7**

**#9.00** Hearing re: Third interim application of Danning, Gill, Israel & Krasnoff, a professional corporation for allowance and payment of professional fees and reimbursement of expenses as general counsel for Brad D. Krasnoff, Chapter 7 Trustee

Docket 116

**Tentative Ruling:**

Approve third interim fee application of general bankruptcy counsel for trustee for the reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 12/10/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh  
Michael S Kogan

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh  
George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#10.00** Cont'd hearing re: Motion for summary judgment; judgment is dischargeable, plaintiff has no standing in case, unclean hands fr. 11/19/19, 11/26/19

Docket 91

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Off calendar. Continued to 12/17/19 at 11:00 a.m. based on agreed ex parte application to continue the hearing filed on 12/9/19. No appearances are required on 12/10/19.

Prior tentative ruling as of 11/25/19. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman

**Trustee(s):**

Peter J Mastan (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#11.00** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 10/8/19, 11/19/19, 11/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/25/19. No tentative ruling on the merits. Appearances are required on 11/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits. Plaintiff to discuss the status of assignment of the judgment to Ms. Lollar or a motion for reconsideration on denial of plaintiff's motion for summary judgment or a renewed motion for summary judgment. The court intends to set a pretrial conference in about 90 days in January 2020 and then set the matter for trial at the pretrial conference. Appearances are required on 10/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, December 10, 2019

Hearing Room 1675

2:30 PM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
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**Defendant(s):**

|                             |        |
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| Mary Katherine Cummins-Cobb | Pro Se |
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**Plaintiff(s):**

|                     |                                     |
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| Konstantin Khionidi | Represented By<br>Philip H Stillman |
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**Trustee(s):**

|                     |        |
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| Peter J Mastan (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-11132 Peter Spennato DDS, Inc. and Peter Spennato, Peter**

**Chapter 7**

**#12.00** Hearing re: Objection to, or, alternatively, request to estimate certain elements of:  
(1) proof of claim 1-1 filed by Peggy Murphy and (2) proof of claim 2-1 filed by  
Genevive Peterson

Docket 80

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/10/19 to 12/18/19 at 1:30  
p.m. per order entered on 12/6/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 12/18/19 at 1:30 p.m. on the court's own motion  
by order entered on 12/6/19. No appearances are required on 12/10/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

Peter Spennato, Peter Spennato

Represented By  
Todd M Arnold  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11153 Precision AgriTechnologies LLC**

**Chapter 7**

**#13.00** Hearing re: First and final application for compensation and reimbursement of expenses by Brian Testo Associates, LLC as auctioneer to chapter 7 trustee pursuant to auction agreement

Docket 51

**Tentative Ruling:**

Not all creditors were served with notice of hearing on applications for compensation and reimbursement of expenses by professionals as required by FRBP 2002(a)(6) and LBR 2016-1(a)(2)(B), which were listed on the creditors' mailing matrix, but not on the service list: Bryan G. Castro, Edward La Tourette, Richard L. Mahfouz II and Toyota Industries Commercial Financing.

Otherwise, the court would approve the fee application for the reasons stated in the application and for lack of timely written objection. The court would continue the hearing so that the unserved creditors may be served with notice. Appearances are required on 12/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Precision AgriTechnologies LLC

Represented By  
Ashley M McDow

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11153 Precision AgriTechnologies LLC**

**Chapter 7**

**#14.00** Hearing re: First interim application for award of compensation and reimbursement of expenses of Danning, Gill, Israel & Krasnoff, LLP, as general counsel to chapter 7 trustee

Docket 54

**Tentative Ruling:**

Not all creditors were served with notice of hearing on applications for compensation and reimbursement of expenses by professionals as required by FRBP 2002(a)(6) and LBR 2016-1(a)(2)(B), which were listed on the creditors' mailing matrix, but not on the service list: Bryan G. Castro, Edward La Tourette, Richard L. Mahfouz II and Toyota Industries Commercial Financing.

Otherwise, the court would approve the fee application for the reasons stated in the application and for lack of timely written objection. The court would continue the hearing so that the unserved creditors may be served with notice. Appearances are required on 12/9/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Precision AgriTechnologies LLC

Represented By  
Ashley M McDow

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 10, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11188 Hector Mendoza**

**Chapter 7**

**#15.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Brad D. Krasnoff, Chapter 7 Trustee]

Docket 31

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/9/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Hector Mendoza

Pro Se

**Trustee(s):**

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

2:12-15652 Dale Alfred Williams

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case  
fr. 7/17/19, 8/28/19, 10/2/19

Docket 1

\*\*\* VACATED \*\*\* REASON: Cont'd from 12/11/19 to 3/11/20 at 11:00  
a.m. per stip & order entered on 12/4/19-mb.

**Tentative Ruling:**

Updated tentative ruling as of 12/10/19. Off calendar. Continued by stipulation and order to 3/11/20 at 11:00 a.m. No appearances are required on 12/11/19.

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/11/19 at 11:00 a.m. No appearances are required on 10/2/19.

Prior tentative ruling as of 8/26/19. Off calendar. Continued by stipulation and order to 10/2/19 at 11:00 a.m. No appearances are required on 8/28/19.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/2/19. Off calendar. Continued by stipulation and order to 7/17/19 at 11:00 a.m. No appearances are required on 7/3/19.

Prior tentative ruling as of 4/30/19. Appearances are required to discuss scheduling of further proceedings, including Phase 2 of the trial. Appearances are required on 5/1/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Dale Alfred Williams**

**Chapter 11**

William N. Lobel  
Rika Kido  
Leonard M Shulman

**Movant(s):**

Dale Alfred Williams

Represented By  
James E Till  
Mike D Neue  
William N. Lobel  
Rika Kido  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-12977 Dowent Family LLC**

**Chapter 11**

**#2.00** Cont'd status conference re: Management of chapter 11 case  
fr. 8/1/18, 10/3/18, 6/26/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Appearances are required on 12/11/19 to discuss status of pending state court litigation regarding estate's negligence claims against its former real estate broker, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. Appearances are required on 6/26/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Dowent Family LLC

Represented By  
Todd C. Ringstad

**Movant(s):**

Dowent Family LLC

Represented By  
Todd C. Ringstad

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:13-29180 Sarkis Investments Company, LLC**

**Chapter 11**

**#3.00** Hearing re: First interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP

Docket 650

**Tentative Ruling:**

Revised tentative ruling as of 12/10/19. Because this matter may require more hearing time than other matters on the 11:00 a.m. calendar and there are many matters on the 11:00 a.m. calendar, the court will put this matter on second call and will call it no earlier than 11:30 a.m. Counsel need not appear until 11:30 a.m. Appearances are required on 12/11/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sarkis Investments Company, LLC

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar  
Shane J Moses

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:16-24758 Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

**#4.00** Cont'd status conference re: Post confirmation of plan  
fr. 11/13/18, 3/13/19, 8/14/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/13/19. No tentative ruling on the merits. Appearances are required on 8/14/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/11/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/13/19, but counsel may appear by telephone.

Prior tentative ruling as of 11/9/18. No tentative ruling on the merits. Appearances are required on 11/13/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. No tentative ruling on the merits. Appearances are required on 10/16/18, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 10/3/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/25/18. No tentative ruling will be issued for the evidentiary hearing on plan confirmation. Appearances are required on 5/31/18.

No updated tentative ruling as of 4/23/18. Appearances are required on



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

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11:00 AM

CONT... **Swing House Rehearsal and Recording, Inc.**

**Chapter 11**

4/25/18, but counsel may appear by telephone.

No updated tentative ruling as of 4/5/18. Appearances are required on 4/9/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/30/18. Appearances are required on 4/2/18, but counsel may appear by telephone.

No updated tentative ruling as of 3/19/18. Appearances are required on 3/21/18, but counsel may appear by telephone.

Prior tentative ruling as of 2/26/18. No tentative ruling on the merits. Appearances are required on 2/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 1/8/18. No tentative ruling on the merits. Appearances are required on 1/9/18, but counsel may appear by telephone.

Prior tentative ruling as of 12/11/17. No tentative ruling on the merits. Appearances are required on 12/14/17, but counsel may appear by telephone.

Prior tentative ruling as of 11/28/17. No tentative ruling on the merits. Appearances are required on 11/29/17, but counsel may appear by telephone.

Prior tentative ruling. Based on the stipulation and order entered on 10/26/17, the evidentiary hearing on plan confirmation set for 11/2/17 and 11/3/17 will be treated as a non-evidentiary status conference on 11/2/17 at 9:00 a.m. Appearances are required on 11/2/17, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Swing House Rehearsal and

Represented By  
Kurt Ramlo

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-12539 Plain Leasing, Inc.**

**Chapter 11**

**#5.00** Status conference re: Post confirmation of chapter 11 plan  
fr. 4/10/19, 5/29/19, 8/14/19

Docket 332

**Tentative Ruling:**

The court has reviewed debtor's postconfirmation status report. No tentative ruling on the merits. Appearances are required on 12/11/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Plain Leasing, Inc.

Represented By  
Joon M Khang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-15033 Shapphire Resources, LLC**

**Chapter 11**

**#6.00** Cont'd status conference re: Management of chapter 11 case  
fr. 6/26/19, 8/28/19, 11/6/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/11/19 to 1/15/20 at 11:00  
a.m. per stip & order entered on 11/5/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Off calendar. Continued by stipulation and order to 1/15/20 at 11:00 a.m. No appearances are required on 12/11/19.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/26/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shapphire Resources, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#7.00** CONT'D EVIDENTIARY HEARING RE: Unsecured creditor, Emma Borges' motion for order re: convert the debtor's chapter 11 case to a chapter 7 case re: §1112 of the Bankruptcy Code  
fr. 8/21/19, 8/28/19, 10/16/19

Docket 180

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits. Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. the court has reviewed the unilateral status report filed by creditor Emma Borges. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. The court has reviewed creditor's unilateral status report regarding mediation. No tentative ruling on the merits. Appearances are required on 5/15/19 for the evidentiary hearing.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits. Appearances are required on 3/21/19 for the evidentiary hearing.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits. Appearances are required on 3/6/19 to discuss scheduling of further proceedings, including pretrial conference and trial, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. No tentative ruling on the merits. Appearances are required on 1/9/19, but counsel may appear by telephone.

Prior tentative ruling as of 12/17/18. No tentative ruling on the merits. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/17/18. No tentative ruling will be issued for the evidentiary hearing on creditor's motion to convert case to Chapter 7. Appearances are required on 12/19/18.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/19/18 at 1:30 p.m. No appearances are required on 12/5/18.

Prior tentative ruling. Overrule evidentiary objections of debtor to Polis declaration. The court is inclined to order debtor to file a written outline of how this case will reorganize with an estimated timetable by 11/21/18 and set a further and separate hearing on the motion on 11/28/18 at 10:00 a.m. to discuss the status of debtor's reorganization efforts. Debtor's opposition really did not show much in the way of the presence of a reasonable likelihood of reorganization to persuade the court to deny the motion at the hearing on 11/14/18, which is somewhat disconcerting, given the age of this case, now approaching its one year anniversary on 11/30/18. The court thinks debtor must make some showing of a reasonable likelihood of a confirmable plan within a reasonable period of time, or otherwise it might be convinced to grant the motion. Appearances are required on 11/14/18, but counsel may appear by telephone.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#8.00** Hearing re: Confirmation of plan  
fr. 8/21/19, 8/28/19, 10/16/19

Docket 255

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits.  
Appearances are required on 12/11/19.

Prior tentative ruling as of 10/15/19. No tentative ruling on the merits. Since  
there was no notice of motion with the amended disclosure statement and  
plan filed and served by debtor on 9/9/19, debtor needs to address whether  
the amended disclosure statement has been properly served for approval.  
Appearances are require on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. No tentative ruling on the merits.  
Appearances are required on 8/28/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits.  
Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. No tentative ruling on the merits.  
Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 6/10/19. No tentative ruling on the merits. The  
court is inclined to allow the parties to participate in mediation before the  
settlement judge before ruling on the amended disclosure statement.  
Appearances are required on 6/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits.  
Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/20/19. No tentative ruling on the merits.  
Appearances are required on 3/21/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Advance Specialty Care, LLC**

**Chapter 11**

Prior tentative ruling as of 3/4/19. No tentative ruling on the merits.  
Appearances are required on 3/6/19, but counsel may appear by telephone.

Prior tentative ruling. Disapprove proposed disclosure statement for lack of sufficient information because it lacks sufficient detailed information on how the plan is feasible, including historical financial information. Just attaching copies of monthly operating reports to the disclosure statement is insufficient. The disclosure statement needs to describe the means on how the plan is going to be funded to demonstrate feasibility to creditors. Appearances are required on 2/20/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

**#9.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/8/19, 8/28/19, 10/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits.  
Appearances are required on 12/11/19, but counsel may appear by  
telephone.

Prior tentative ruling as of 10/15/19. No tentative ruling on the merits.  
Appearances are required on 10/16/19, but counsel may appear by  
telephone.

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|--------------------------|
| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#10.00** Cont'd hearing re: First interim application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses fr. 11/20/19

Docket 100

**Tentative Ruling:**

Revised tentative ruling as of 12/10/19. In initial tentative ruling, the court stated that it would approve interim fee application of general bankruptcy counsel for debtor-in-possession subject to the terms and conditions of the stipulation between applicant and debtor filed on 12/4/19, but condition the allowance of distribution of the impound amount to a judgment in the adversary proceeding becoming final, which it is not since the judgment based on the motion for partial summary adjudication is not final until all claims in the adversary proceeding have been resolved and a final judgment is entered pursuant to Federal Rule of Civil Procedure 54(b). However, on 12/9/19, creditor Acon Development filed a unilateral status report for the status conference also on 12/11/19, now stating its opposition to the fee application. Appearances are required on 11/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures.

Prior tentative ruling on interim fee application of general bankruptcy counsel for debtor-in-possession in light of objection of client representative, Michelle McArn. Appearances are required on 11/20/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

**#11.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/29/19, 7/31/19, 8/28/19

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 12/01/19. The court has reviewed debtor's status report, and creditor Acon Development's unilateral status report stating that it intended to file a motion to dismiss. No tentative ruling on the merits. Appearances are required on 12/11/19 to discuss the status of debtor's reorganization efforts and filing of disclosure statement and plan, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

People Who Care Youth Center, Inc.          Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#12.00** Hearing re: Confirmation of plan  
fr. 7/17/19, 9/4/19, 10/16/19

Docket 77

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. The moving papers are deficient because the document filed as the ballot summary is not a ballot summary to establish the voting on the plan for the court to do its plan confirmation analysis. Appearances are required on 12/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/19. No tentative ruling on the merits. Since there was no notice of motion with the amended disclosure statement and plan filed and served by debtor on 9/18/19, debtor needs to address whether the amended disclosure statement has been properly served for approval. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/13/19. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling. Deny approval of debtor's disclosure statement as not containing adequate information for the reasons stated in the objections of creditors because the disclosure statement does not provide sufficient information regarding feasibility or address the issue of modification of the secured creditor's claims and rights. The disclosure statement does not show how the payment of the arrearages on the effective date is feasible based on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

CONT...

**Nina Mosby**

**Chapter 11**

debtor's available cash on hand stated in the disclosure statement. Debtor must provide a detailed statement of income and expenses for each property as directed by the income and expense statements attached to the disclosure statement, which she has not done, and she should provide historical data and projections for these properties. If the secured creditors' claims and rights are modified, then the claims are impaired, and the secured creditors have a right to vote. The denial of approval of the disclosure statement is with leave to amend. Appearances are required on 3/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-10551 Nina Mosby**

**Chapter 11**

**#13.00** Cont'd status conference re: Management of chapter 11 case  
fr.7/17/19, 9/4/19, 10/16/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/19. No tentative ruling on the merits. Appearances are required on 10/16/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/3/19. The court has reviewed debtor's status report regarding the disclosure statement. No tentative ruling on the merits. Appearances are required on 9/4/19, but counsel may appear by telephone.

Prior tentative ruling as of 7/15/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 7/17/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/25/19. No tentative ruling on the merits. Appearances are required on 3/27/19, but counsel may appear by telephone.

Prior tentative ruling as of 3/4/19. Off calendar. The court has debtor's status report advising that she has filed a motion to approve disclosure statement noticed for hearing on 3/27/19 at 11:00 a.m. The court on its own motion continues the status conference to 3/27/19 at 11:00 a.m. to be conducted with that hearing. No appearances are required on 3/6/19.

Prior tentative ruling as of 12/3/18. Off calendar. In recognition of President

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT...**

**Nina Mosby**

**Chapter 11**

Trump's announcement of a National Day of Mourning for former President George H.W. Bush on Wednesday December 5, 2018, the court is continuing the hearings on Judge Kwan's hearing calendar that day in observance of the National Day of Mourning for former President Bush. The hearing on this matter is continued on the court's own motion to 12/12/18 at 11:00 a.m. No appearances are required on 12/5/18.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

Prior tentative ruling as of 8/27/18. The court has reviewed debtor's status report filed on 8/15/18. No tentative ruling on the merits. Appearances are required on 8/29/18, but counsel may appear by telephone.

Prior tentative ruling as of 5/11/18. The court has reviewed debtor's status report filed on 5/9/18. No tentative ruling on the merits. Appearances are required on 5/16/18, but counsel may appear by telephone.

Updated tentative ruling as of 3/5/18. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 3/7/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Nina Mosby

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#14.00 Status conference re: Post discovery  
fr. 7/17/19, 10/23/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/11/19 to 2/19/20 at 11:00  
a.m. per stip & order entered on 9/13/19-st**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/19/20 at 11:00 a.m. No  
appearances are required on 12/11/19.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By  
Alan W Forsley



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#15.00** Cont'd status conference re: Motion for contempt  
fr. 8/20/19, 8/21/19, 10/2/19

Docket 205

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits.  
Appearances are required on 12/11/19 to discuss the status of related state  
court litigation, but counsel may appear by telephone.

Prior tentative ruling as of 10/1/19. No tentative ruling on the merits.  
Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. Appearances are required on 8/21/19, but  
counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#16.00** Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution  
fr. 5/8/19, 8/21/19, 10/2/19

Docket 103

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19 to discuss the status of related state court litigation, but counsel may appear by telephone.

Prior tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Updated tentative ruling as of 11/26/18. Although not cited in their papers, the parties should be prepared to discuss the factors setting forth the standard in this circuit for permissive abstention in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1167 (9th Cir. 1990). See also, *In re Szanto*, 2016 WL 3256989 (9th Cir. BAP 2016); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015). It seems to the court that the court should permissively abstain and stay the proceedings long enough to allow the state courts to determine on the merits creditor's claims pending in the state court actions which raise substantively noncore, state law claims, for the reasons stated in the court's rulings on creditor's remand motions. It would be helpful for the parties to report on the status of the proceedings in the state court actions because the papers are not informative about that. Appearances are required on

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**CONT... Shahriar Joseph Zargar and Shabnam Mesachi**  
11/28/18.

**Chapter 11**

Revised tentative ruling as of 11/13/18. Off calendar. Continued by stipulation and order to 11/28/18 at 11:00 a.m. No appearances are required on 11/14/18.

Prior tentative ruling as of 11/5/18. Off calendar. Continued on the court's own motion to 11/14/18 at 11:00 a.m. No appearances are required on 11/7/18.

Prior tentative ruling. Continued on the court's own motion by written order to 11/7/18 at 10:00 a.m. No appearances are required on 10/24/18.

**Party Information**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi**

**Chapter 11**

**#17.00** Cont'd status conference re: Management of chapter 11 case  
fr. 5/8/19, 8/21/19, 10/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19 to discuss the status of related state court litigation, but counsel may appear by telephone.

Prior tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. The court has reviewed debtors' status report. No tentative ruling on the merits. Appearances are required on 10/17/18, but counsel may appear by telephone.

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits. Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. The proposed claims bar date of 5/15/18 will not be approved since this court generally requires at least 60 days notice to creditors of a claims bar date. The estimated administrative expenses in this case stated in the status report for \$250,000 to \$350,000 seem high, especially since debtors' budget motion and income and expense statements showing net income of about \$1,700 per

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

CONT... **Shahriar Joseph Zargar and Shabnam Mesachi** Chapter 11

month do not show that debtors have the ability to afford such expenses. There should be some explanation why the large amount of professional fee expenses estimated in the status report are needed in this case, and how debtors will be able to pay for these expenses (i.e., are they selling their real property to raise funds to pay for these fees). Appearances are required on 4/11/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11525 Shahriar Joseph Zargar**

**Chapter 11**

Adv#: 2:18-01144 Shadsirat v. Zargar et al

**#18.00** Cont'd status conference re: Complaint (1) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(2); (2) objecting to dischargeability of debt pursuant to 11 U.S.C. § 523(a)(4); (3) objecting to dischargeability of debt pursuant to 11 U.S.C. §523(a)(6); and, (4) for declaratory relief requesting adjudication of pending state court lawsuits fr. 5/8/19, 8/21/19, 10/2/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19 to discuss the status of related state court litigation, but counsel may appear by telephone.

Prior tentative ruling as of 9/30/19. No tentative ruling on the merits. Appearances are required on 10/2/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/19/19. No tentative ruling on the merits. Appearances are required on 8/21/19, but counsel may appear by telephone.

Revised tentative ruling as of 5/6/19. Off calendar. Continued by stipulation and order to 8/21/19 at 11:00 a.m. No appearances are required on 5/8/19.

Prior tentative ruling as of 1/28/19. No tentative ruling on the merits. Appearances are required on 1/30/19, but counsel may appear by telephone.

Prior tentative ruling as of 1/7/19. Off calendar. By order entered on 12/7/18, the status conference has been reset for 1/30/19 at 1:30 p.m. No appearances are required on 1/8/19.

Prior tentative ruling as of 7/16/18. Appearances are required on 7/17/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

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11:00 AM

CONT... **Shahriar Joseph Zargar**

**Chapter 11**

**Debtor(s):**

Shahriar Joseph Zargar

Represented By  
Ashley M McDow

**Defendant(s):**

Shahriar Joseph Zargar

Pro Se

Shabnam Mesachi

Pro Se

**Joint Debtor(s):**

Shabnam Mesachi

Represented By  
Ashley M McDow

**Plaintiff(s):**

Behrouz Shadsirat

Represented By  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-14084 Edgar Eduardo Esparza**

**Chapter 11**

**#19.00** Cont'd status conference re: Post confirmation of plan  
fr. 2/27/19, 5/1/19, 9/18/19

Docket 53

**Tentative Ruling:**

Off calendar. Final decree entered. No appearances are necessary.

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| <b>Party Information</b> |
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**Debtor(s):**

Edgar Eduardo Esparza

Represented By  
Giovanni Orantes  
Luis A Solorzano



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10119 David Lee**

**Chapter 11**

**#20.00** Cont'd status conference re: Management of chapter 11 case  
fr. 4/3/19, 5/15/19, 9/11/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 9/9/19. No tentative ruling on the merits. Appearances are required on 9/11/19, but counsel may appear by telephone.

Prior tentative ruling as of 5/14/19. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/15/19, but counsel may appear by telephone.

Prior tentative ruling as of 4/1/19. No tentative ruling on the merits. Appearances are required on 4/3/19, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 2/27/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

David Lee

Represented By  
Renee E Sanders

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#21.00** Cont'd hearing re: First interim fee application of SulmeyerKupetz, a Professional Corporation, General Bankruptcy Counsel for debtors  
fr. 11/12/19, 12/4/19

Docket 217

**Tentative Ruling:**

Updated tentative ruling as of 12/9/19. Approve interim fee application of general bankruptcy counsel for debtors in possession for the reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 12/11/19, but counsel may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

Prior tentative ruling. Although the court has reviewed the interim fee application of general bankruptcy counsel for debtors in possession and has no substantive objections to the application and the court notes that there are no timely written objections to the application, service is deficient because not all creditors on the creditors mailing matrix were served as required by FRBP 2002(a)(6) since the request is for compensation or expenses exceeding \$1,000: Creditors Francis Ginsberg, Louis Jacobs and Naomi Jacobs 1990 Revocable Inter Vivos Trust dated April 16, 1990. Even though applicant served all of the parties specifically listed in LBR 2016-1(a)(2)(B), this rule also has a cross-reference to FRBP 2002 and requires service on any other party in interest entitled to notice under that rule. FRBP 2002(a)(6) and 9013 require notice on all creditors of a hearing on any entity's request for compensation or reimbursement of expenses if the request exceeds \$1,000, which it does here. Also, the client signature on the declaration of nonopposition pursuant to LBR 2016-1(a)(1)(J) and (K) has not been filed as represented in the application. Since the cash on hand in the estate is only \$83,488.11, debtors and applicant need to state how payment will be made if the court approves the application. Also, applicant should understand that any payment may be subject to disgorgement from a decision on the pending motion to disqualify applicant as estate counsel, which is now set for hearing on 1/29/20. Appearances are required on 11/12/19, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

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11:00 AM

CONT... Robert David Katz and Roslyn Soudry Katz

Chapter 11

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:30 AM

**2:17-17577 Peter G. Kudrave**

**Chapter 11**

**#22.00** Cont'd status conference re: Post confirmation of plan  
fr. 6/26/19, 8/28/19, 10/23/19

Docket 62

**Tentative Ruling:**

Updated tentative ruling as of 12/10/19. Off calendar. The court on its own motion continues the status conference to 1/15/20 at 11:00 a.m. to be conducted with the continued hearing on creditor Law Offices of David A. Tilem's motion to convert. The deadline for a motion to substitute the probate estate of debtor for debtor under FRCP 25(a) is 1/7/19, and at the hearing on the motion to convert on 12/4/19, counsel for the probate estate represented that the probate estate will be filing motion to substitute shortly. No appearances are required on 12/11/19.

Prior tentative ruling as of 10/21/19. Off calendar. Continued on the court's own motion to 12/11/19 at 11:30 a.m. in light of the suggestion of debtor's death on the record by notice filed on 10/9/19 and the anticipated motion of the proposed probate estate of debtor to substitute itself for debtor to be filed within 90 days of the suggestion of death as provided by FRCP 25(a)(1). No appearances are required on 10/23/19.

Prior tentative ruling as of 8/26/19. Appearances are required on 8/28/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/26/18. No tentative ruling on the merits. Appearances are required on 11/28/18, but counsel may appear by telephone.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

11:30 AM

**CONT... Peter G. Kudrave**

**Chapter 11**

Prior tentative ruling as of 7/9/18. No tentative ruling on the merits.  
Appearances are required on 7/11/18, but counsel may appear by telephone.

Prior tentative ruling as of 4/23/18. No tentative ruling on the merits.  
Appearances are required on 4/25/18, but counsel may appear by telephone.

Prior tentative ruling. The disclosure statement does not contain adequate information. Regarding treatment of secured claims, the text in the plan refers to Article II, but no Article II is attached. Exhibit C to the plan refers to certain notes for each claim, but these notes do not adequately spell out the treatment of the primary secured claim to Wells Fargo Bank, the senior secured lender for the loan on debtor's residence. The disclosure statement should have a more detailed description of how this claim will be treated under the plan. The plan itself is not much better. It is hard to tell what is being proposed for treatment of the claim. The disclosure statement and plan will have to be revised for sake of clarity. If this is a cramdown situation, it does not appear that a 40 year payout is fair and equitable for this creditor, and debtor should probably consider taking out this creditor when the loan matures under the existing terms. Appearances are required on 3/21/18, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter G. Kudrave

Represented By  
David A Tilem

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

1:30 PM

2:17-17972 Sion Javaheri

Chapter 7

**#23.00** EVIDENTIARY HEARING RE: Chapter 7 trustee's motion for order disallowing proofs of claims (Claim No. 9-1) fr. 6/11/19, 9/3/19, 9/20/19

Docket 52

**Tentative Ruling:**

Updated tentative ruling as of 12/10/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 12/11/19.

Prior tentative ruling as of 6/10/19. Treat as a contested matter under Federal Rule of Bankruptcy Procedure 9014 and set an evidentiary hearing and trial on the objection to Claim 9-1 of Ruben Saidian. The court does not expect that the trial would be long, perhaps 1-2 hours, and the court expects one of the parties to subpoena the debtor to testify as a trial witness. Alternatively, the parties may bring cross-motions for summary judgment. Appearances are required on 6/11/19 to discuss scheduling of pretrial proceedings and trial, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling. Grant trustee's motions objecting to Claim 7-1 of Bijan Navidbakhsh, Claim 9-1 of Ruben Saidian and Claim 10-1 of Farshid Shohed for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 4/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By  
Edmond Nassirzadeh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT...**

**Sion Javaheri**

Sonia Singh  
George E Schulman

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 11, 2019

Hearing Room 1675

2:30 PM

2:17-17972 Sion Javaheri

Chapter 7

**#24.00** EVIDENTIARY HEARING RE: Chapter 7 trustee's motion for order disallowing proofs of claims (Claim No. 5-1) fr. 4/30/19

Docket 51

**Tentative Ruling:**

Updated tentative ruling as of 12/10/19. No tentative ruling will be issued for the evidentiary hearing. Appearances are required on 12/11/19.

Prior tentative ruling as of 8/30/19. Set the remaining contested matter(s) for a pretrial conference since discovery is now closed. Appearances are required on 9/3/19, but counsel may appear by telephone.

Prior tentative ruling. Treat trustee's motion objecting to Claim 4-1 of American Express National Bank, as resolved since trustee has withdrawn his motion objecting to that claim. .

Treat trustee's motions objecting to Claim 2-1 of Amanollah Nayson and Claim 5-1 of Shaun Toub as contested matters under FRBP 9014 and schedule pretrial proceedings, including discovery and pretrial conference. Parties should meet and confer regarding pretrial schedule. While the court is inclined to sustain trustee's objections to the declaration of Shaun Toub, the court will allow the declarant to amend his declaration to lay a foundation of personal knowledge.

Grant trustee's motions objecting to Claim 8-1 of 515 South Figueroa Street and Claim 10-1 of LVNV Funding, LLC, etc., for the reasons stated in the moving papers and for lack of timely written opposition.

Appearances are required on 4/30/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Sion Javaheri

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 11, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... Sion Javaheri**

Edmond Nassirzadeh

**Chapter 7**

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By

Eric P Israel

Sonia Singh

George E Schulman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, December 16, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#1.00** Hearing re: Debtors' motion for order authorizing debtors to obtain postpetition loan secured by junior lien under 11 U.S.C. §364(c)(3)

Docket 250

**Tentative Ruling:**

No tentative ruling will be issued on the matter heard on emergency notice.  
Appearances are required on 12/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-18960 Monica Moore**

**Chapter 7**

**#1.00** Hearing re: Motion for relief from stay  
(Wilmington Savings Fund Society, FSB dba Christiana Trust VS Debtor)

Docket 10

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (4) to pursue non-bankruptcy remedies and for in rem relief for the reasons stated in the moving papers and for lack of timely written opposition. Deny the request for extraordinary relief in paragraph 3 since the debtor is not the borrower under the relevant loan agreements. The 14-day waiting period under FRBP 4001(a)(3) is waived.

The court does not make a finding of bad faith as to debtor. See In re Dorsey, 476 B.R. 261 (Bankr. C.D. Cal. 2012).

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU. Movant may submit on the tentative ruling without an appearance at the hearing, in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and in hard copy available in the courtroom.

**Party Information**

**Debtor(s):**

Monica Moore

Represented By  
Peter M Lively

**Trustee(s):**

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, December 17, 2019

Hearing Room 1675

10:30 AM

**2:19-23188 Lataminque Raquel Austin**

**Chapter 7**

**#2.00** Hearing re: Motion for relief from stay  
(American Capital Realty Group, Inc. VS Debtor)

Docket 11

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

|                          |        |
|--------------------------|--------|
| Lataminque Raquel Austin | Pro Se |
|--------------------------|--------|

**Trustee(s):**

|                     |        |
|---------------------|--------|
| John P Pringle (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

10:30 AM

**2:19-23248 Maria A. Tolentino**

**Chapter 7**

**#3.00** Hearing re: Motion for relief from stay  
(Mechanics Bank VS Debtor)

Docket 7

**Tentative Ruling:**

Grant movant relief from stay pursuant to 11 U.S.C. 362(d)(1) and (2) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition. The 14-day waiting period under FRBP 4001(a)(3) is waived.

Movant must lodge a proposed order within 7 days. All registered CM/ECF users must lodge an order using the court's mandatory form order on LOU.

Movant may submit on the tentative ruling without an appearance at the hearing in accordance with Judge Kwan's tentative ruling procedures posted online on the court's website and available in hard copy in the courtroom. If movant does not appear, the court will assume that movant submits on the tentative ruling, which the court will adopt unless another party appears, which may result in setting a continued hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Maria A. Tolentino

Represented By  
Steven B Lever

**Trustee(s):**

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-11132 Peter Spennato DDS, Inc.**

**Chapter 7**

**#4.00** Cont'd hearing re: Trustee's motion for order authorizing assignment of certain claims to creditors Peggy Murphy and Genevieve Peterson  
fr. 11/19/19

Docket 69

**\*\*\* VACATED \*\*\* REASON: Trustee's withdrawal filed on 12/4/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. Off calendar. Motion withdrawn by notice filed on 12/4/19. No appearances are necessary.

Prior tentative ruling. Because this matter may require extended argument, the matter will be placed on second call, and will not be called before 2:45 p.m. so that the court can hear the shorter matters on calendar.

Having reviewed the moving, opposing and reply papers, the court has the following comments on the motion: (1) since the proposed assignment of claims is deemed to be a sale under 11 U.S.C. 363(b) under the agreement between the trustee and the purchasing creditors, there is a procedural deficiency in that there was no Notice of Sale of Estate Property submitted with the motion when it was filed as required by LBR 6004-1(f) (although practically speaking, the only parties probably interested in purchasing the assets are the appearing parties); (2) the proposed sale under 11 U.S.C. 363(b) as a reasonable exercise of the trustee's business judgment is also problematic because there is no legal authority cited to support the proposed that purchasing creditors may credit bid up to \$300,000 on their general unsecured claims in any overbidding in a public auction of the assets to be sold since the only authority cited by the parties to allow creditbidding is 11 U.S.C. 363(k) relates to allowed secured claims; (3) now that there are pending filed objections to the claims of purchasing creditors, they do not have allowed claims at this time within the meaning of 11 U.S.C. 502(a) to allow creditbidding of any kind (the court takes no position at this time whether the objecting parties are proper parties in interest in this case, In re P.R.T.C., Inc., 177 F.3d 774, 777-779 (9th Cir. 1999), citing Fondiller v. Robertson (In Matter of Fondiller), 707 F.2d 441-443 (9th Cir. 1983); (4) it appears that the motion under 11 U.S.C. 363(b) could be granted if these

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, December 17, 2019

Hearing Room 1675

11:00 AM

CONT... **Peter Spennato DDS, Inc.**

**Chapter 7**

issues are remedied, including submission of the notice of sale of estate property and a sale upon a public auction based on overbidding without creditbidding, and it appears that the objecting parties would have no objection to a sale based on these conditions; (5) to the extent that the trustee seeks approval of an assignment of the claims to the creditors without a sale under 11 U.S.C. 363(b), that assignment can only be authorized by the court if (A) the creditors are pursuing interests common to all creditors; and (B) allowing the creditors to exercise the trustee's powers to pursue litigation claims for the estate will benefit the remaining creditors, In re P.R.T.C., Inc., 177 F.3d at 782-783; and (6) the moving papers violate FRBP 9037 because the trustee failed to redact personal identifying information relating to certain individuals (i.e., the excerpts from Rule 2004 exam of Peter Spennato DDS, Inc.), and trustee must take remedial action to remedy this violation. The court is inclined to deny the motion without prejudice and/or allow the trustee to amend the motion to address and remedy the concerns identified in this tentative ruling.

Appearances are required on 11/19/19, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#4.10** Cont'd hearing re: Motion for summary judgment; judgment is dischargeable, plaintiff has no standing in case, unclean hands fr. 11/19/19, 11/26/19, 12/10/19

Docket 91

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. No tentative ruling on the merits. Appearances are required on 12/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 12/9/19. Off calendar. Continued to 12/17/19 at 11:00 a.m. based on agreed ex parte application to continue the hearing filed on 12/9/19. No appearances are required on 12/10/19.

Prior tentative ruling as of 11/25/19. Appearances are required on 7/30/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

Mary Katherine Cummins-Cobb Pro Se

**Defendant(s):**

Mary Katherine Cummins-Cobb Pro Se

**Plaintiff(s):**

Konstantin Khionidi Represented By  
Philip H Stillman



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

---

11:00 AM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

11:00 AM

**2:17-24993 Mary Katherine Cummins-Cobb**

**Chapter 7**

Adv#: 2:18-01066 Khionidi v. Cummins-Cobb

**#4.20** Cont'd status conference re: Complaint objecting to discharge pursuant to §727(a)(2)-(5) and to determine the nondischargeability of debt pursuant to §523(a)(6) fr. 11/19/19, 11/26/19, 12/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. No tentative ruling on the merits. Appearances are required on 12/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 12/9/19. No tentative ruling on the merits. Appearances are required on 12/10/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 11/25/19. No tentative ruling on the merits. Appearances are required on 11/26/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 10/7/19. No tentative ruling on the merits. Plaintiff to discuss the status of assignment of the judgment to Ms. Lollar or a motion for reconsideration on denial of plaintiff's motion for summary judgment or a renewed motion for summary judgment. The court intends to set a pretrial conference in about 90 days in January 2020 and then set the matter for trial at the pretrial conference. Appearances are required on 10/8/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 7/29/19. No tentative ruling on the merits. Appearances are required on 7/30/19, but counsel and self-represented

**United States Bankruptcy Court  
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CONT... **Mary Katherine Cummins-Cobb**

**Chapter 7**

parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/28/19. Counsel for plaintiff has informally advised the court by leaving a voicemail message that he is out of the country on vacation and requests a continuance of the status conference. Since this is not a proper request for a continuance, such request is denied. See Local Bankruptcy Rule 9013-1(m). Appearances are required on 5/29/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 3/25/19. Appearances are required on 3/27/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/21/18. No tentative ruling on the merits. Appearances are required on 5/22/18, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 5/7/18. Off calendar. Continued by prior order to 5/22/18 at 2:30 p.m. to be conducted with hearing on plaintiff's motion for judgment on the pleadings. No appearances are required on 5/15/18.

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| <b>Party Information</b> |
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**Debtor(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Defendant(s):**

|                             |        |
|-----------------------------|--------|
| Mary Katherine Cummins-Cobb | Pro Se |
|-----------------------------|--------|

**Plaintiff(s):**

|                     |                                     |
|---------------------|-------------------------------------|
| Konstantin Khionidi | Represented By<br>Philip H Stillman |
|---------------------|-------------------------------------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

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11:00 AM

**CONT... Mary Katherine Cummins-Cobb**

**Chapter 7**

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-24737 Advance Specialty Care, LLC**

**Chapter 11**

Adv#: 2:19-01208 Philadelphia Indemnity Insurance Company v. Advance Specialty Care, LLC

**#5.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 9/10/19, 10/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/10/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Advance Specialty Care, LLC

Represented By  
Raymond H. Aver

**Defendant(s):**

Advance Specialty Care, LLC

Pro Se

**Plaintiff(s):**

Philadelphia Indemnity Insurance

Represented By  
Lane K Bogard  
Lisa Darling-Alderton

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:17-25817 Denise Ann Hatfield**

**Chapter 7**

Adv#: 2:18-01434 Ehrenberg v. Hatfield

**#6.00** Cont'd status conference re: Complaint for: (1) avoidance of transfer under 11 U.S.C. § 548(a)(1)(A); (2) Avoidance of transfer under CCC § 3439.04(a)(1); (3) Avoidance of transfer under 11 U.S.C. § 548(A)(1)(B); (4) Avoidance of transfer under CCC § 3439.04(a)(2); (5) Avoidance of transfer under CCC § 3439.05; (6) Recovery of transferred property or value thereof; (7) Preservation of avoided transfer; and (8) Declaratory relief  
fr. 5/28/19, 8/27/19, 10/22/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. Off calendar. The court has reviewed plaintiff's unilateral status report stating that consummation of the parties' settlement is pending and requesting a 60 day continuance of the status conference. The court on its own motion continues the status conference to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

Prior tentative ruling as of 10/21/19. No tentative ruling on the merits. Appearances are required on 10/22/19, but counsel may appear by telephone.

Prior tentative ruling as of 8/26/19. The court has reviewed the joint pretrial stipulation and it appears to be in proper form to be approved, though the court notes that no objections have been interposed to any of the listed exhibits. The court thus presumes that there are no objections to the exhibits and all exhibits are to be received into evidence. However, if there are objections to any of the exhibits, the joint pretrial statement will need to be amended. Appearances are required on 8/27/19 to discuss scheduling of trial.

Prior tentative ruling as of 5/24/19. The court has reviewed the joint status report. Set a pretrial conference for 8/13/19 at 2:00 p.m. and a joint pretrial stipulation must be filed by 8/6/19. Appearances are required on 5/28/19 to

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Central District of California  
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Tuesday, December 17, 2019

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1:30 PM

CONT... Denise Ann Hatfield

Chapter 7

discuss scheduling and the status of mediation, but counsel may appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 4/30/19 and a further postdiscovery status conference for 5/28/19 at 1:30 p.m. with a joint status report due on 5/7/19. Order the matter to mediation, the parties are to file a request for selection of mediator and alternate mediator by 3/12/19 and complete mediation by 5/28/19. Appearances are required on 2/12/19, but counsel may appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Denise Ann Hatfield

Represented By  
Michael E Clark

**Defendant(s):**

Thomas Carson Hatfield

Pro Se

**Plaintiff(s):**

Howard M. Ehrenberg

Represented By  
Steven Werth

**Trustee(s):**

Howard M Ehrenberg (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-11475 Catherine Trinh**

**Chapter 11**

Adv#: 2:18-01209 Voong v. Trinh

**#7.00** Cont'd status conference re: Adversary complaint for declaratory relief  
fr. 4/9/19, 6/12/19, 8/20/19, 10/22/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/19/20 at 1:30 p.m.  
per stip & order entered on 12/11/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19: Off calendar. Continued by stipulation and order to 6/3/20 at 11:00 a.m. No appearances are required on 12/17/19.

Revised tentative ruling as of 6/11/19. Off calendar. Continued by stipulation and order to 8/20/19 at 1:30 p.m. No appearances are required on 6/12/19.

Prior tentative ruling as of 4/8/18. No tentative ruling on the merits. Appearances are required on 4/9/18, but counsel may appear by telephone.

Prior revised tentative ruling as of 11/6/18. Off calendar. Continued by stipulation and order to 3/5/19 at 1:30 p.m. No appearances are required on 11/6/18.

Prior tentative ruling as of 11/5/18. The court has reviewed the joint status report. The court tends to agree with plaintiff and defendant Trinh that a determination of whether the estate has an interest in the subject property first would be a more efficient use of litigation resources as that seems to be a straightforward issue. Deciding this issue is a threshold issue for Second Generation's fraudulent transfer claims, and the parties would not have to litigate these claims if the assets were plaintiff's separate property. Appearances are required on 11/6/18, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Catherine Trinh

Represented By



**United States Bankruptcy Court  
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Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

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1:30 PM

**CONT... Catherine Trinh**

**Chapter 11**

Alan W Forsley

**Defendant(s):**

Catherine Trinh

Pro Se

**Plaintiff(s):**

Kevin Voong

Represented By  
Dawn M Coulson

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#8.00** Cont'd hearing re: Motion of Salvato Law Offices to withdraw as counsel for debtor fr. 10/1/19

Docket 82

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/16/19-mb**

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
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Los Angeles  
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Tuesday, December 17, 2019

Hearing Room 1675

1:30 PM

**2:18-17189 Seven-Bros Enterprises, Inc.**

**Chapter 7**

**#9.00** Cont'd status conference re: Motion for order to show cause pursuant to Local Bankruptcy Rule 9020-1 why the debtor should not be held in contempt for violating a court order  
fr. 2/26/19, 3/26/19, 10/1/19

Docket 36

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/16/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

Revised tentative ruling as of 10/1/19. Off calendar. Continued by stipulation and order to 12/17/19 at 1:30 p.m. No appearances are required on 10/1/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Seven-Bros Enterprises, Inc.

Represented By  
Robert S Marticello  
Gregory M Salvato

**Trustee(s):**

Rosendo Gonzalez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, December 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01216 Katz et al v. American Express Company, a New York Corporation e

**#10.00** Cont'd status conference re: Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Avoidance of Post-Petition Transfers; (4) Recovery of Post-Petition Transfers; (5) Preservation of Avoided Transfers; and (6) Disallowance of Claims  
fr. 9/17/19, 10/15/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/4/19-mb**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

American Express Company, a New

Pro Se

American Express

Pro Se

American Express Travel Related

Pro Se

American Express National Bank, a

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
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**Hearing Room 1675**

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1:30 PM

**CONT... Robert David Katz**

**Chapter 11**

**Plaintiff(s):**

Robert David Katz

Represented By  
Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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Tuesday, December 17, 2019

Hearing Room 1675

1:30 PM

**2:19-10596 Robert David Katz**

**Chapter 11**

Adv#: 2:19-01217 Katz et al v. Bank of America Corporation, a Delaware corporatio

**#11.00** Cont'd status conference re : Complaint for: (1) Avoidance of Preferential Transfers; (2) Recovery of Preferential Transfers; (3) Preservation of Avoided Transfers; and (4) Disallowance of Claims  
fr. 9/17/19, 10/16/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/4/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Defendant(s):**

Bank of America Corporation, a

Pro Se

BANK OF AMERICA

Pro Se

Bank of America, N.A., a National

Pro Se

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Plaintiff(s):**

Robert David Katz

Represented By

**United States Bankruptcy Court  
Central District of California  
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1:30 PM

**CONT...**

**Robert David Katz**

**Chapter 11**

Victor A Sahn

Roslyn Soudry Katz

Represented By  
Victor A Sahn

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, December 17, 2019**

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1:30 PM

**2:19-11153 Precision AgriTechnologies LLC**

**Chapter 7**

Adv#: 2:19-01443 Brad D. Krasnoff, Chapter 7 Trustee v. De Lage Landen, Financial Services,

**#12.00** Status conference re: Trustee's complaint to avoid unperfected security interest

Docket 1

**Tentative Ruling:**

Revised tentative ruling as of 12/17/19. Off calendar. The court has reviewed plaintiff's unilateral status report stating that entry of default has been entered against defendant and he is filing a motion for default judgment to be heard within the next 30 to 45 days. The court on its own motion continues the status conference to 2/18/19 at 1:30 p.m. No appearances are required on 12/17/19.

**Party Information**

**Debtor(s):**

Precision AgriTechnologies LLC

Represented By  
Ashley M McDow

**Defendant(s):**

De Lage Landen, Financial Services,

Pro Se

**Plaintiff(s):**

Brad D. Krasnoff, Chapter 7 Trustee

Represented By  
Sonia Singh

**Trustee(s):**

Brad D Krasnoff (TR)

Represented By  
Eric P Israel  
Sonia Singh



**United States Bankruptcy Court  
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**Hearing Room 1675**

1:30 PM

**2:19-13181 Serapio Venegas**

**Chapter 7**

Adv#: 2:19-01481 Alliance United Insurance Company v. Krasnoff Ch 7 Trustee

**#13.00** Status conference re: Removal of civil action to federal bankruptcy court

Docket 1

**Tentative Ruling:**

The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 12/17/19.

**Party Information**

**Debtor(s):**

Serapio Venegas Pro Se

**Defendant(s):**

Brad D Krasnoff Ch 7 Trustee Pro Se

**Plaintiff(s):**

Alliance United Insurance Company Represented By  
Robert J Pfister

**Trustee(s):**

Brad D Krasnoff (TR) Represented By  
Eric P Israel  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

1:30 PM

**2:19-16082 Christopher A. Castanon**

**Chapter 7**

Adv#: 2:19-01291 Avery (TR) v. Dominguez

**#14.00** Cont'd status conference re: Complaint to: (1) avoid, recover, and preserve actual fraudulent transfers; (2) avoid recover, and preserve constructive fraudulent transfers; (3) avoid, recover, and preserve preferential transfers; and (4) for turnover of property of the estate  
fr. 11/5/19, 11/19/19

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 1:30 p.m.  
per stip & order entered on 12/4/19-mb.**

**Tentative Ruling:**

Off calendar. Continued by stipulation and order to 2/18/20 at 1:30 p.m. No appearances are required on 12/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

Christopher A. Castanon

Represented By  
Steven B Lever

**Defendant(s):**

Nayeli Dominguez

Pro Se

**Plaintiff(s):**

Wesley H. Avery (TR)

Represented By  
Laila Masud  
Chad V Haes

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
D Edward Hays  
Chad V Haes  
Laila Masud

**United States Bankruptcy Court  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:00 PM

**2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**#15.00** Cont'd status conference re: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor  
fr. 4/25/19, 6/25/19, 11/19/19

Docket 118

**\*\*\* VACATED \*\*\* REASON: Cont'd from 12/17/19 to 2/18/20 at 2:00 p.m.  
per order entered on 12/4/19-mb.**

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. Off calendar. Continued by stipulation and order to 2/18/20 at 2:00 p.m. No appearances are required on 12/17/19.

Prior tentative ruling as of 12/16/19. Off calendar. Continued by stipulation and order to 2/18/20 at 2:00 p.m. No appearances are required on 12/17/19.

Updated tentative ruling as of 6/24/19. No tentative ruling on the merits. Appearances are required on 6/25/19, but counsel may appear by telephone.

Prior tentative ruling as of 10/15/18. Off calendar. Continued by stipulation and order to 2/5/19 at 2:00 p.m. No appearances are required on 10/16/18.

Prior tentative ruling as of 4/9/18. No tentative ruling on the merits. Appearances are required on 4/10/18, but counsel may appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 2/7/18 at 2:00 p.m. No appearances are required on 2/24/18.

**Party Information**

**Debtor(s):**

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By  
Jeffrey S Renzi  
Ryan S Fife

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

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2:00 PM

**CONT... Ayers Bath (U.S.A.), Co.,Ltd.**

**Chapter 7**

**Trustee(s):**

Alfred H Siegel (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:00 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

- #15.10** Cont'd pretrial conference re: Complaint for: (1) Slander of title; (2) Disallowance of claim [11 U.S.C. §502(b)]; (3) Avoidance of lien; [FRBP 7001]; (4) Declaratory relief; (5) Punitive damages; and (6) Attorneys' fees and costs  
fr. 10/1/19, 11/12/19, 12/10/19

Docket 1

**Tentative Ruling:**

Updated tentative ruling as of 12/16/19. No tentative ruling on the merits. Appearances are required on 12/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

Prior tentative ruling as of 12/9/19. The court agrees with plaintiff that alleged facts #25-32 and alleged issue of law #72 in defendants' proposed pretrial stipulation are precluded by the ruling on the motion for partial summary adjudication and that the boxed facts in plaintiff's revised draft pretrial stipulation were established by the ruling on the motion for partial summary adjudication. No tentative ruling on alleged issues of law #70-71 in defendants' proposed pretrial stipulation, which appear to be included in plaintiff's revised draft pretrial stipulation as alleged disputed facts #34-35. While the parties listed their exhibits, they did not list their objections to each other's exhibits as required by Local Bankruptcy Rule 7016-1. Does this mean that there are no objections to any of the exhibits being offered? Appearances are required on 12/9/19 to discuss the proposed pretrial stipulations and scheduling of trial, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
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**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
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2:00 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

**Defendant(s):**

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

**#16.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jason M. Rund, Chapter 7 Trustee]

Docket 195

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
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**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

**#17.00** Hearing re: Application for fees and expenses  
[Brutzkus Gubner Rozansky Seror Weber LLP, Attorney for Chapter 7 Trustee]

Docket 188

**Tentative Ruling:**

Approve final fee application of attorneys for trustee for reasons stated in the application and for lack of timely written objection. Appearances are required on 12/17/19 to discuss the form of order on the application, but trustee and applicant may and should appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:12-35473 Amergence Technology Inc**

**Chapter 7**

**#18.00** Hearing re: Application for fees and expenses  
[Hahn, Fife & Company LLP, Accountant for Chapter 7 Trustee]

Docket 190

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Amergence Technology Inc

Represented By  
Ron Bender  
Mark H McGuire  
Irwin M Wittlin

**Trustee(s):**

Jason M Rund (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, December 17, 2019

Hearing Room 1675

2:30 PM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:19-01483      Gonzalez v. Wesley H. Avery, as the Chapter 7 trustee for the

**#19.00**      Hearing re: Motion by the defendant and chapter 7 trustee, Wesley H. Avery, for order dismissing complaint pursuant to FRCP 12(B)(1) AND 12(b)(6) without leave to amend due to lack of subject matter jurisdiction, issue preclusions; and claim preclusion

Docket      6

**\*\*\* VACATED \*\*\*      REASON: Cont'd from 12/17/19 to 12/18/19 at 11:00 a.m. per order entered on 12/12/19-mb.**

**Tentative Ruling:**

Off calendar. Continued to 12/18/19 at 11:00 a.m. by prior order. No appearances are required on 12/17/19.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Defendant(s):**

Wesley H. Avery, as the Chapter 7

Represented By  
Brett B Curlee

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24369 Marvin Abel Sican Roca and Angelica Maria Rodriguez**

**Chapter 7**

**#20.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Wesley H. Avery, Chapter 7 Trustee]

Docket 69

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Marvin Abel Sican Roca

Represented By  
Daniel King

**Joint Debtor(s):**

Angelica Maria Rodriguez

Represented By  
Daniel King

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Zi Chao Lin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24369 Marvin Abel Sican Roca and Angelica Maria Rodriguez**

**Chapter 7**

**#21.00** Hearing re: Application for fees and expenses  
[Zi Chao Lin, Attorney for Chapter 7 Trustee]

Docket 58

**Tentative Ruling:**

The fee application is deficient because detailed billing entries for the fees requested that satisfies the requirements of LBR 2016-1(a)(1)(E) and (c)(2) are not provided in the application. Applicant will need to supplement the application with the billing entries so the court can evaluate the reasonableness of the fees pursuant to 11 U.S.C. 330. Appearances are required on 12/17/19, but counsel may appear by telephone.

**Party Information**

**Debtor(s):**

Marvin Abel Sican Roca

Represented By  
Daniel King

**Joint Debtor(s):**

Angelica Maria Rodriguez

Represented By  
Daniel King

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Zi Chao Lin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:17-24369 Marvin Abel Sican Roca and Angelica Maria Rodriguez**

**Chapter 7**

**#22.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 67

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Marvin Abel Sican Roca

Represented By  
Daniel King

**Joint Debtor(s):**

Angelica Maria Rodriguez

Represented By  
Daniel King

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Zi Chao Lin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Tuesday, December 17, 2019

Hearing Room 1675

2:30 PM

**2:18-10290 People Who Care Youth Center, Inc.**

**Chapter 11**

Adv#: 2:18-01139 People Who Care Youth Center, Inc. v. Ammec, Inc. et al

#23.00 Hearing re: Motion for attorney's fees and costs

Docket 146

**Tentative Ruling:**

Revised tentative ruling as of 12/17/19. The motion is premature because the order granting plaintiff's motion for partial summary adjudication is not a final judgment within the meaning of Federal Rule of Bankruptcy Procedure 7054 and Federal Rule of Civil Procedure 54(b). Civil Rule 54(b) provides that any order or other decision, however designated, that adjudicates fewer than all the claims or the rights of the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities. Thus, the time limit of Local Bankruptcy Rule 7054-1(g) has not yet started since no judgment or other final order has been entered. The court understand that defendant Curtis may bring a motion for reconsideration of the order granting the motion for partial summary adjudication. The court will defer a hearing on the motion until there is a final judgment entered in this adversary proceeding. Appearances are required on 12/17/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

**Party Information**

**Debtor(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**Defendant(s):**

Ammec, Inc.

Represented By  
John Barriage

Greta Curtis

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

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2:30 PM

**CONT... People Who Care Youth Center, Inc.**

**Chapter 11**

**Plaintiff(s):**

People Who Care Youth Center, Inc.

Represented By  
John-Patrick M Fritz  
David B Golubchik

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-17408 Gerardo A Lomeli and Rosa Lomeli**

**Chapter 7**

**#24.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Peter J. Mastan, Chapter 7 Trustee]

Docket 56

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Gerardo A Lomeli

Represented By  
Michael D Luppi

**Joint Debtor(s):**

Rosa Lomeli

Represented By  
Michael D Luppi

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:18-20432 Don Gonzalez**

**Chapter 7**

Adv#: 2:18-01432 Swift Financial, LLC v. Gonzalez

**#25.00** Hearing re: Motion for sanctions for failure to comply with court's discovery order

Docket 18

**Tentative Ruling:**

Grant plaintiff's motion for sanctions for failure of defendant to comply with the court's discovery order for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 12/17/19 to discuss the form of order on the motion and to discuss further proceedings, but counsel may appear by telephone.

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| <b>Party Information</b> |
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**Debtor(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Defendant(s):**

|              |        |
|--------------|--------|
| Don Gonzalez | Pro Se |
|--------------|--------|

**Plaintiff(s):**

|                      |                                     |
|----------------------|-------------------------------------|
| Swift Financial, LLC | Represented By<br>Daren M Schlecter |
|----------------------|-------------------------------------|

**Trustee(s):**

|                     |        |
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| Wesley H Avery (TR) | Pro Se |
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-10680 Irma Isabel Mendoza**

**Chapter 7**

**#26.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[Jason M. Rund, Chapter 7 Trustee]

Docket 32

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

Irma Isabel Mendoza

Pro Se

**Trustee(s):**

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#27.00** Hearing re: Trustee's final report and account;  
Application for fees and expenses  
[John J. Menchaca, Chapter 7 Trustee]

Docket 74

**Tentative Ruling:**

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#28.00** Hearing re: Application for fees and expenses  
[Goe & Forsythe, LLP, Attorney for Chapter 7 Trustee]

Docket 71

**Tentative Ruling:**

Approve final fee application of attorneys for trustee for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and counsel may appear by telephone. Trustee or counsel to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#29.00** Hearing re: Application for fees and expenses  
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 70

**Tentative Ruling:**

Approve final fee application of accountant for trustee for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
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**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-11612 BARAKA HOLDINGS, LLC**

**Chapter 7**

**#30.00** Hearing re: Application for fees and expenses  
[CBIZ Valuation Group, LLC, Financial Consultant for Chapter 7 Trustee]

Docket 69

**Tentative Ruling:**

Approve final fee application of financial consultant for trustee for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/17/19, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

BARAKA HOLDINGS, LLC

Represented By  
Edmond Richard McGuire  
Douglas A Crowder

**Trustee(s):**

John J Menchaca (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Tuesday, December 17, 2019**

**Hearing Room 1675**

2:30 PM

**2:19-19532 Michelle Louise Johns**

**Chapter 7**

**#31.00** Hearing re: Motion of the United States Trustee for extension of deadline date for filing a motion to dismiss debtor's case under 11 U.S.C. §707(b)(3)(A) or (B) or a complaint objecting to debtors discharge under 11 U.S.C. §727

Docket 25

**\*\*\* VACATED \*\*\* REASON: Case converted to Chapter 13 per order entered on 12/3/19-mb.**

**Tentative Ruling:**

Off calendar. The motion is moot because the case was converted to Chapter 13 by order entered on 12/3/19. No appearances are required on 12/17/19.

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| <b>Party Information</b> |
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**Debtor(s):**

|                       |        |
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| Michelle Louise Johns | Pro Se |
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**Trustee(s):**

|                     |        |
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| Peter J Mastan (TR) | Pro Se |
|---------------------|--------|

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#1.00** Hearing re: Second interim application for allowance of fees and costs filed by Brown Rudnick LLP [June 22, 2019 to October 31, 2019] and renewal of first interim application for allowance of fees and costs filed by Brown Rudnick LLP [December 7, 2018 to June 21, 2019]

Docket 387

**Tentative Ruling:**

Approve final fee application of attorneys for official committee of unsecured creditors for reasons stated in the application and for lack of timely written objection. Appearances are required on 12/18/19 to discuss the form of order on the application, but applicant may and should appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 18, 2019

Hearing Room 1675

11:00 AM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#2.00 Hearing re: Second interim application of LKP Global Law, LLP, special employment and labor counsel to the debtor, for approval of fees and reimbursement of expenses

Docket 392

**Tentative Ruling:**

Approve final fee application of special employment and labor law counsel for debtor in possession for reasons stated in the application and for lack of timely written objection. Appearances are optional on 12/18/19, but applicant may appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

**Party Information**

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:18-23361 Zacky & Sons Poultry, LLC**

**Chapter 11**

**#3.00** Hearing re: Second interim application of Levene, Neale, Bender, Yoo & Brill LLP for approval of fees and reimbursement of expenses

Docket 393

**Tentative Ruling:**

Approve final fee application of attorneys for debtor in possession for reasons stated in the application and for lack of timely written objection. Appearances are required on 12/18/19 to discuss the form of order on the application, but applicant may and should appear by telephone. Applicant to submit a proposed order within 7 days of hearing.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Zacky & Sons Poultry, LLC

Represented By  
Ron Bender  
Juliet Y Oh  
Todd M Arnold  
Lindsey L Smith  
Riley C Walter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 18, 2019**

**Hearing Room 1675**

11:00 AM

**2:15-25283 Arturo Gonzalez**

**Chapter 7**

Adv#: 2:19-01483      Gonzalez v. Wesley H. Avery, as the Chapter 7 trustee for the

- #3.10**      Cont'd hearing re: Motion by the defendant and chapter 7 trustee, Wesley H. Avery, for order dismissing complaint pursuant to FRCP 12(B)(1) AND 12(b)(6) without leave to amend due to lack of subject matter jurisdiction, issue preclusions; and claim preclusion fr. 12/17/19

Docket      6

**Tentative Ruling:**

Deny in part and grant in part defendant's motion to dismiss the complaint and adversary proceeding. Deny motion to dismiss for lack of jurisdiction under Federal Rule of Civil Procedure 12(b)(1) because the claims in the complaint do not seek to alter or amend the judgment on appeal. Grant motion to dismiss for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) as follows: (1) issue preclusion bars plaintiff from bringing the first cause of action that trustee breached his fiduciary duty because the same issue of whether the trustee breached his fiduciary duty was decided in favor of trustee when the court decided that debtor was equitably estopped from claiming a homestead exemption; (2) issue preclusion bars plaintiff from bringing the second cause of action that trustee breached his fiduciary duty in selling the residence because the same issue of whether the trustee breached his fiduciary duty was decided in favor of trustee when the court decided that debtor was equitably estopped from claiming a homestead exemption; (3) plaintiff fails to state a claim upon which relief can be granted by alleging that trustee unnecessarily adjudicated plaintiff as a bankruptcy because there was no such adjudication since plaintiff became a debtor when he filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. 301; (4) claim preclusion bars plaintiff from bringing the third cause of action that trustee unnecessarily revoked plaintiff's because the same claim of whether plaintiff's discharge should be revoked was decided in favor of trustee when the court entered judgment revoking plaintiff's discharge. Pursuant to Federal Rule of Evidence

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 18, 2019

Hearing Room 1675

11:00 AM

CONT...

**Arturo Gonzalez**

**Chapter 7**

201, the court takes judicial notice of decisions in trustee's favor determining that he did not breach any fiduciary duty and that plaintiff's discharge should be revoked. Appearances are required on 12/18/19, but counsel and self-represented parties may appear by telephone in accordance with the court's telephone appearance procedures posted online on the court's website.

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| <b>Party Information</b> |
|--------------------------|

**Debtor(s):**

Arturo Gonzalez

Pro Se

**Defendant(s):**

Wesley H. Avery, as the Chapter 7

Represented By  
Brett B Curlee

**Plaintiff(s):**

Arturo Gonzalez

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Brett B Curlee  
Dennis E McGoldrick

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

Wednesday, December 18, 2019

Hearing Room 1675

1:30 PM

**2:18-11132 Peter Spennato DDS, Inc. and Peter Spennato, Peter**

**Chapter 7**

**#4.00** Cont'd hearing re: Objection to, or, alternatively, request to estimate certain elements of:  
(1) proof of claim 1-1 filed by Peggy Murphy and (2) proof of claim 2-1 filed by  
Genevive Peterson  
fr. 12/10/19

Docket 80

**Tentative Ruling:**

Treat as a contested matter under FRBP 9014. It is unclear whether the parties agree there are or are not disputed issues of material fact. If the parties agree that there are no disputed issue of material fact, then this contested matter may be tried on stipulated facts or determined upon cross-motions for summary judgment. The parties are apparently requesting that the court make factual findings and conclusions of law on the objections to claims, and there should be proposed findings and conclusions of law from the parties for the court to consider so that there is a record for any appellate court reviewing a final order in this contested matter. If there are disputed issues of material fact, the case should be prepared for trial, or the court should permissively abstain and grant stay relief so that the lawsuit to liquidate the claims may proceed in state court. See *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166-1168 (9th Cir. 1990). Appearances are required on 12/18/19.

**Party Information**

**Debtor(s):**

Peter Spennato DDS, Inc.

Represented By  
David B Golubchik

Peter Spennato, Peter Spennato

Represented By  
Todd M Arnold  
David B Golubchik

**Trustee(s):**

Carolyn A Dye (TR)

Represented By  
James A Dumas Jr

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, December 18, 2019**

**Hearing Room 1675**

1:30 PM

**CONT...**

**Peter Spennato DDS, Inc. and Peter Spennato, Peter  
Christian T Kim**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Monday, December 30, 2019**

**Hearing Room 1675**

11:00 AM

**2:19-10596 Robert David Katz and Roslyn Soudry Katz**

**Chapter 11**

**#1.00** Cont'd hearing re: Debtors' motion for order authorizing debtors to obtain postpetition loan secured by junior lien under 11 U.S.C. §364(c)(3) fr. 12/16/19

Docket 250

**Tentative Ruling:**

Updated tentative ruling as of 12/26/19. No tentative ruling on the merits. Appearances are required on 12/30/19, but counsel may appear by telephone.

Prior tentative ruling. No tentative ruling will be issued on the matter heard on emergency notice. Appearances are required on 12/17/19.

**Party Information**

**Debtor(s):**

Robert David Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta

**Joint Debtor(s):**

Roslyn Soudry Katz

Represented By  
Victor A Sahn  
Steven Werth  
Cathy Ta