

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

Tuesday, January 5, 2021

Hearing Room 1675

10:30 AM

2:18-16237 Alvin Yap Edillor

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)

Docket 82

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion, rules on the motion on the papers, and grants 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. No appearances are required on 1/5/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Alvin Yap Edillor

Represented By
Philomena N Nzegge

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Wesley H Avery (TR)

Represented By
Robert A Hessling

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

Tuesday, January 5, 2021

Hearing Room 1675

10:30 AM

2:20-19344 3327 Ione LLC

Chapter 7

#2.00 Hearing re: Motion for relief from stay
(Mark K. Johnson VS Debtor)

Docket 11

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion, rules on the motion on the papers, and grants 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. No appearances are required on 1/5/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

3327 Ione LLC

Represented By
Julie A Duncan

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, January 5, 2021

Hearing Room 1675

10:30 AM

2:20-19823 Constantin Zubin

Chapter 7

#3.00 Hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)

Re: 2018 Lexus RX 350L

Docket 7

Tentative Ruling:

Grant motion for 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 for cause shown, i.e., there is no bankruptcy purpose for maintaining the stay as to the subject collateral because it is not being administered by the Chapter 7 trustee who has filed a "no distribution" report, debtor is delinquent at least 3 prepetition and 1 postpetition lease payments as of the filing date of the motion and debtor leases the vehicle collateral and has no ownership interest. On 12/21/20, debtor filed a response to one of the two stay relief motions affecting his two vehicles, but not identifying which one, stating that he wants to retain the vehicle and wants additional time to make arrangements to cure the default. It appears that his response is with respect to the Tundra, not the Lexus, but this is not clear. It is also not clear whether debtor is requesting that the hearing on the motion for stay relief be continued or stay relief not be granted now. No tentative ruling on waiving the 14-day waiting period under FRBP 4001(a)(3).

Appearances are required on 1/5/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the

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

Tuesday, January 5, 2021

Hearing Room 1675

10:30 AM

CONT... Constantin Zubin

Chapter 7

COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Constantin Zubin

Represented By
Elena Steers

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, January 5, 2021

Hearing Room 1675

10:30 AM

2:20-19823 Constantin Zubin

Chapter 7

#4.00 Hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)

Re: 2019 Toyota Tundra 4WD

Docket 8

Tentative Ruling:

Grant motion for 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 for cause shown, i.e., there is no bankruptcy purpose for maintaining the stay as to the subject collateral because it is not being administered by the Chapter 7 trustee who has filed a "no distribution" report, debtor is delinquent at least 3 prepetition and 1 postpetition car payments as of the filing date of the motion and there is only a 4.24% equity cushion in the collateral which is declining due to failure to make payments and depreciation. On 12/21/20, debtor filed a response to the motion stating that he wants to retain the vehicle and wants additional time to make arrangements to cure the default. It is not clear whether debtor is requesting that the hearing on the motion for stay relief be continued or stay relief not be granted now. No tentative ruling on waiving the 14-day waiting period under FRBP 4001(a)(3).

Appearances are required on 1/5/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, January 5, 2021

Hearing Room 1675

10:30 AM

CONT... Constantin Zubin

Chapter 7

telephone and will not be permitted to appear in the courtroom.

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Party Information

Debtor(s):

Constantin Zubin

Represented By
Elena Steers

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, January 5, 2021

Hearing Room 1675

10:30 AM

2:20-19836 Ovidio Mauricio Ramirez

Chapter 7

#5.00 Hearing re: Motion for relief from stay
(Toyota Motor Credit Corporation VS Debtor)

Docket 9

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion, rules on the motion on the papers, and grants 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. No appearances are required on 1/5/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Ovidio Mauricio Ramirez

Represented By
Lauren M Foley

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 5, 2021

Hearing Room 1675

10:30 AM

2:20-19982 Enio Gonzalez and Darlyn Gonzalez

Chapter 7

#6.00 Hearing re: Motion for relief from stay
(Ally Financial VS Debtors)

Docket 8

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion, rules on the motion on the papers, and grants 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. No appearances are required on 1/5/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Enio Gonzalez

Represented By
Todd Mannis

Joint Debtor(s):

Darlyn Gonzalez

Represented By
Todd Mannis

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 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd hearing re: Motion to abstain
fr. 9/23/20, 10/27/20, 12/1/20

Docket 414

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 Cont'd 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 fr. 9/23/20, 10/27/20, 12/1/20

Docket 390

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 9/23/20, 10/27/20, 12/1/20

Docket 362

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 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. 9/23/20, 10/27/20, 12/1/20

Docket 397

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 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**

Tuesday, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#11.00 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. 9/23/20, 10/27/20, 12/1/20

Docket 351

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#12.00 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. 9/23/20, 10/27/20, 12/1/20

Docket 412

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#13.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 9/23/20, 10/27/20, 12/1/20

Docket 399

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

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: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 9/23/20, 10/27/20, 12/1/20

Docket 377

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#15.00 Cont'd pretrial 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. 9/23/20, 10/27/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 12/30/20. No tentative ruling on the merits. Appearances are required on 1/5/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, January 5, 2021

Hearing Room 1675

11:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. No tentative ruling on the merits. Since the parties attended mediation, which did not result in settlement, the court will discuss setting a pretrial conference and a deadline for filing a joint pretrial stipulation. The court will also discuss how the trial will be conducted because the court is not conducting in person hearings at this time. The court may conduct the trial on Zoom depending on the parties' technical capabilities. Appearances are required on 9/23/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 10/22/20. No tentative ruling on the merits. Appearances are required on 10/27/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. No tentative ruling on the merits. Since the parties attended mediation, which did not result in settlement, the court will discuss setting a pretrial conference and a deadline for filing a joint pretrial stipulation. The court will also discuss how the trial will be conducted because the court is not conducting in person hearings at this time. The court may conduct the trial on Zoom depending on the parties' technical capabilities. Appearances are required on 9/23/20, but counsel and self-represented parties must appear by telephone.

Party Information

Attorney(s):

Deborah Bronner

Represented By
Deborah R Bronner

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

Tuesday, January 5, 2021

Hearing Room 1675

11:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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

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, January 5, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#16.00 Cont'd pretrial 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. 9/23/20, 10/27/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 12/30/20. See tentative ruling for item number 15.

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**

Tuesday, January 5, 2021

Hearing Room 1675

1:30 PM

2:18-12552 Zero Energy Contracting, Inc

Chapter 7

Adv#: 2:20-01053 Mastan, Chapter 7 Trustee v. JPMORGAN CHASE BANK, N.A.

#17.00 Cont'd status conference re: Complaint for (1) Avoidance of preferential transfers [11 U.S.C. §547]; (2) Avoidance of post-petition transfers [11 U.S.C. §549]; (3) Disallowance of claims [11 U.S.C. §502]; (4) Recovery of avoided transfers [11 U.S.C. §550]; and (5) Preserving Transfers [11 U.S.C. § 551] fr. 5/12/20, 7/21/20, 9/29/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 12/30/20. No tentative ruling on the merits. Appearances are required on 1/5/21 to discuss the status of discovery and settlement negotiations between the parties, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, January 5, 2021

Hearing Room 1675

1:30 PM

CONT... Zero Energy Contracting, Inc

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 5/12/20 to discuss scheduling of pretrial proceedings, including discovery and whether the matter should be referred to mediation, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Zero Energy Contracting, Inc

Represented By
Devin Sreecharana
Andrew Harnisch
Grant Cartwright

Defendant(s):

JPMORGAN CHASE BANK, N.A.

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett

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

Tuesday, January 5, 2021

Hearing Room 1675

2:00 PM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#18.00 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. 10/27/20, 11/17/20, 12/8/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 12/30/20. No tentative ruling on the merits. Appearances are required on 1/5/21 to discuss the status of documentation of pending settlement between the parties, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 5, 2021

Hearing Room 1675

2:00 PM

CONT... Prototype Engineering & Manufacturing, Inc. Chapter 7

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

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

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, January 5, 2021

Hearing Room 1675

2:30 PM

2:16-15692 Rama Krishna Chaparala

Chapter 7

#19.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Howard M. Ehrenberg, Chapter 7 Trustee]

Docket 250

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application, rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 1/5/21. Trustee to lodge 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
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 5, 2021

Hearing Room 1675

2:30 PM

2:16-15692 Rama Krishna Chaparala

Chapter 7

#20.00 Hearing re: Application for fees and expenses
[Buchalter, A Professional Corporation, Attorney for Chapter 7 Trustee]

Docket 243

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of special litigation counsel for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application, rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 1/5/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Rama Krishna Chaparala

Represented By
Jeffrey N Wishman
Leon D Bayer

Movant(s):

Howard M Ehrenberg (TR)

Represented By
Anthony J Napolitano
Michael Fischer
Michael Fischer

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, January 5, 2021

Hearing Room 1675

2:30 PM

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, January 5, 2021

Hearing Room 1675

2:30 PM

2:16-15692 Rama Krishna Chaparala

Chapter 7

#21.00 Hearing re: Application for fees and expenses
[Grobstein Teeple, LLP, Accountant for Chapter 7 Trustee]

Docket 248

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application, rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 1/5/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Rama Krishna Chaparala

Represented By
Jeffrey N Wishman
Leon D Bayer

Movant(s):

Grobstein Teeple LLP

Pro Se

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 5, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

- #22.00** Cont'd hearing re: Motion to Compel Dean Okland to Appear For His Deposition and to Answer Special Interrogatories (Set Two) and Requests for Production of Documents (Set Two)
fr. 12/1/20

Docket 49

Tentative Ruling:

Based on the moving papers as supplemented by the counsel declaration filed on 12/4/20, grant in part and deny in part plaintiffs' motion to compel defendant to appear for his deposition, to answer special interrogatories (set two) and requests for production of documents (set two), to deem requests for admission (set two) admitted and for sanctions. Grant in part for the reasons stated in the moving papers and for lack of timely written opposition and order defendant to appear for his deposition at a date and time designated by plaintiffs, to answer special interrogatories (set two) and requests for production of documents (set two) within 30 days of entry of the order granting the motion in part and award sanctions against defendant in favor of plaintiffs in the amounts of \$2,000.00 as reasonable attorneys' fees and of \$450 in deposition fees incurred by plaintiffs for defendant's failure to appear. Deny in part as to enforcement of the requests for admission (set two) since the unanswered requests for admission are self-executing, the request for sanctions in excess of \$2,000.00 is denied because plaintiffs did not provide billing statements with detailed time entries for the services rendered by their counsel showing the exact services rendered and time spent for such service in order for the court to evaluate the reasonableness of the services and by the unidentified paralegal whose qualifications and work was not described with particularity. The request to impose sanctions on defendant's counsel is not justified since due to defendant's failure to communicate with him, counsel's involvement made no difference in plaintiffs incurring the undue discovery dispute expense.

Appearances are required on 1/5/21, but counsel and self-represented parties must appear by telephone.

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Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 5, 2021

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2:30 PM

CONT... Dean Henrik Okland

Chapter 7

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Prior tentative ruling. Deny plaintiffs' motion to compel defendant to appear for his deposition and to answer special interrogatories (set two) and requests for production of documents (set two) for failure to comply with the discovery dispute requirements of LBR 7026-1(c) regarding prefiling meet and confer conference and filing of a discovery dispute stipulation. There is no showing in the moving papers and the declaration in support thereof that these requirements have been met.

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Central District of California
Los Angeles
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Hearing Room 1675

2:30 PM

CONT... Dean Henrik Okland

Chapter 7

Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Represented By Gary R Wallace
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Plaintiff(s):

Jennifer Sunderland	Represented By Kimberly Wright
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James Farrow	Represented By Kimberly Wright
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HOWARD M EHRENBERG	Represented By Jeffrey S Shinbrot
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Trustee(s):

Howard M Ehrenberg (TR)	Represented By Jeffrey S Shinbrot
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, January 5, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#23.00 Cont'd hearing re: Motion for summary adjudication (partial summary judgment)
fr. 11/10/20

Docket 7

***** VACATED *** REASON: Withdrawal of notice filed on 12/1/20-mb.**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 12/1/20. No appearances are necessary.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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 5, 2021

Hearing Room 1675

2:30 PM

2:20-13943 Elizabeth Velarde

Chapter 7

#24.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Howard M. Ehrenberg, Chapter 7 Trustee]

Docket 27

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application, rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 1/5/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Elizabeth Velarde

Represented By
Marc A Goldbach

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, January 6, 2021

Hearing Room 1675

11:00 AM

2:11-14196 Gary Wayne Barker

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case
fr. 7/1/20, 9/30/20, 12/2/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/4/21. Due to inactivity in the case, the court will administratively close the case as discussed with counsel at the status conference on 12/2/20. The case has remained open based on counsel's representations in his status report filed on 1/15/20 for a prior status conference on 1/27/20 that debtor will be filing adversary proceedings for lien avoidance within 60 days, the lien avoidance adversary proceedings were not filed within 60 days of the status report on 1/15/20 or the status conference on 1/27/20, or at any other time since then, and counsel's representations at the status conference on 12/2/20 that the adversary complaints were ready and would be filing within a week. At the status conference on 12/2/20, at the request of the United States Trustee, the court set a deadline of 12/31/20 for debtor to file the adversary proceedings, or otherwise, the court would close the case at the status conference on 1/6/21. There is no purpose to keep the case at the expense of the debtor in having to comply with United States Trustee postconfirmation compliance requirements, including payment of quarterly fees, if no activity is being conducted in the case.

Appearances are required on 1/6/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
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Hearing Room 1675

11:00 AM

CONT... Gary Wayne Barker

Chapter 11

telephone and will not be permitted to appear in the courtroom.

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Prior tentative ruling as of 11/30/20. No tentative ruling on the merits., Appearances are required on 12/2/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/25/20. No tentative ruling on the merits. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. No tentative ruling on the merits. Appearances are required on 7/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/29/20. Debtor should address the status of his intent to file a lien avoidance motion and a motion for final decree. Appearances are required on 6/3/20, but counsel must appear by telephone.

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Central District of California
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Hearing Room 1675

11:00 AM

CONT... Gary Wayne Barker

Chapter 11

Debtor(s):

Gary Wayne Barker Sr

Represented By
Dennis E Mcgoldrick

**United States Bankruptcy Court
Central District of California
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Wednesday, January 6, 2021

Hearing Room 1675

11:00 AM

2:19-10119 David Lee

Chapter 11

#2.00 Hearing re: Confirmation of plan
fr. 9/9/20, 9/23/20, 10/28/20

Docket 318

Tentative Ruling:

Updated tentative ruling as of 1/3/21: Based on the court's review of the plan confirmation brief, the third amended Chapter 11 plan of reorganization as of 12/24/20, and other papers and pleadings related to plan confirmation, it appears that the plan is ready for confirmation. However, debtor will need to address several concerns that the court has about the plan: (1) because Class 12 consisting of general unsecured creditors is a nonaccepting class of creditors, debtor must satisfy the cramdown requirements of 11 U.S.C. 1129(b)(2)(B) that each holder of a claim of such class receive or retain on account of such claim property of a value, as of the effective date of the plan, equal to the allowed amount of such claim, that is, while the plan provides for full payment of such claims, the payment of such claims is over time, and not valued as of the effective date of the plan, or in other words, does not provide interest on such claims as required by the language of 11 U.S.C. 1129(b)(2)(B) valuing such claims as of the effective date, *In re Perez*, 30 F.2d 1209, 1214-1215 (9th Cir. 1994); *In re Dynamic Brokers, Inc.*, 293 B.R. 489, 499 (9th Cir. BAP 2003); (2) the plan provides for the discharge of debtor on the effective date of the plan which is not consistent with 11 U.S.C. 1141(d)(5), which provides that in the case of an individual debtor, such as here, unless after notice and a hearing the court orders otherwise for cause confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge on completion of all payments under the plan, and cause is not shown here to warrant an early discharge as no payments are being made to general unsecured creditors who are owed on their claims in full of about \$240,000 for at least three years and full payment is not being made until five years after the effective date and payment of \$310,000 in priority tax claims will not be completed for three years, and 11 U.S.C. 1141(d)(5) indicates a general rule that an individual debtor must complete plan payments before being discharged. Accordingly, in order for the plan to meet the requirements

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CONT...

David Lee

Chapter 11

of 11 U.S.C. 1129(a) and (b) involving a cramdown over the dissenting class of unsecured creditors in Class 12, the plan will have to be modified to provide for interest on general unsecured claims to meet the cramdown requirements of 11 U.S.C. 1129(b)(2)(B) and for discharge of debtor only upon completion of all payments under the plan or otherwise permitted under 11 U.S.C. 1141(d)(5). See *In re Dynamic Brokers, Inc.*, 293 B.R. at 499-500, citing, *In re Perez*, 30 F.3d at 1213 (the bankruptcy "court has an independent duty to make certain that the requirements for [plan] confirmation have been met, whether or not a creditor objects"); see also, *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 275-278 (2010) (the bankruptcy court may only confirm a plan if it finds that the plan complies with the applicable provisions of the Bankruptcy Code (Chapter 13 case)); regarding cramdown interest rate for deferred payment of unsecured claims, see *In re Rivers End Apartments, Ltd.*, 167 B.R. 470, 485-486 (Bankr. S.D. Ohio 1994).

Appearances are required on 1/6/21, but counsel and self-represented parties must appear by telephone.

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**United States Bankruptcy Court
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11:00 AM

CONT... David Lee

Chapter 11

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Revised and updated tentative ruling as of 10/26/20. No tentative ruling on the merits in light of conditional objection of creditor LoanCare, LLC, asserting that it is oversecured, but that plan understates the value of its lien and the collateral. According to this creditor, the parties have discussed a stipulation regarding treatment of its claim, but none has been executed yet. The court has reviewed the plan and disclosure statement and notes that they address the court's concerns raised as to the first amended plan and disclosure statement stated in the tentative ruling on 9/22/20 at the last hearing on the disclosure statement on 9/23/20. Appearances are required on 10/28/20, but counsel and self-represented parties must appear by telephone.

Further revised and updated tentative ruling as of 9/22/20. The court notes that since the last hearing, debtor has reached tentative agreement with the two secured creditors which objected to his disclosure statement. Debtor and Rehabbers Financial filed a stipulation on 9/16/20 that the creditor would refrain from objecting to the first amended disclosure statement, if certain language was included in the amended disclosure statement, but reserving any right to object to plan confirmation. Debtor and Green Lawn filed a joint statement on 9/21/20 that they have reached a tentative agreement as to plan treatment of Green Lawn's secured claim, provided that such language for such treatment is included in the disclosure statement before the hearing on 9/23/20, but as of 9/21/20, the language has not yet been included in the disclosure statement.

Because the Dunsmuir property was debtor's residence as of the petition date, the rights of the holders of claims secured only by a security interest in

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CONT... David Lee

Chapter 11

that property are protected by the anti-modification provisions of 11 U.S.C. 1123(b)(5), namely, the secured claims of U.S. Bank and Coral Mortgage Holdings, see *In re Abdelgadir*, 455 B.R. 896 (9th Cir. BAP 2011), and the court cannot confirm a plan containing such modifications in violation of the Bankruptcy Code under 11 U.S.C. 1129(a). Accordingly, the proposed five modifications of the rights of those claims should be deleted, though debtor may properly cure or obtain waiver of defaults based on those rights in this case under 11 U.S.C. 1123(a)(5)(G).

Debtor must include in the disclosure statement, plan and/or plan confirmation order the mandatory language of LBR 3020-1(b) that property of the reorganized debtor or successor in interest vests in the Chapter 7 estate if the case is converted to Chapter 7.

Regarding the professional compensation enforcement provisions in Exhibit H, which are apparently additional contractual provisions subject to California law, the unilateral attorneys' fee recovery provision is subject to California Civil Code 1717, which makes it bilateral and awardable only to the prevailing party, and only reasonable attorneys' fees are awardable as recovery costs under California Code of Civil Procedure 1033.5(a)(10)(A), (B) and (C). Counsel must also explain the rationale for the proposed 10 percent interest rate on the judgment for professional compensation awarded on a final basis in this case since the award of fees will be a federal judgment and the federal postjudgment rate under 28 U.S.C. 1961 is less than 10 percent, i.e., the weekly average 1-year constant maturity (nominal) Treasury yield, as published by the Federal Reserve System.

The language regarding the treatment of Class 12 general unsecured claims (page 15 of the Plan and page 29 of the disclosure statement) needs to be clarified. The liquidation analysis on page 47 of the disclosure statement states that 100 percent of Class 12 claims will be paid, but the treatment stated on page 29 of the plan does not state that. Page 29 states that it depends on the outcome of the Class 7 claimholder election and the outcome of claim objections. The language should specify a minimum distribution with estimates based on certain outcomes relating to the Class 7 claimholder

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election and the outcome of claim objection litigation. Also, the treatment on page 20 does not specify when claims will be paid other than in "equal monthly installments" without stating the duration of payments, i.e., when they start and when they end, or over a specified number of months. The treatment refers to the Exhibit G , Plan Spreadsheet, but that does not show the duration of the plan payments since the financial and payment information is lumped into yearly totals for the last three years of the plan.

The language of Section II.D.6, Creditors Enjoined During Plan (page 20 of the Plan and pages 34-35 of the disclosure statement) is problematic. The reference to "interested parties" is vague and ambiguous, and should refer to "creditors, interest holders and other parties in interest" as in the court's form Chapter 11 plan, that is, creditors who are mainly affected by this provision should be specifically identified. This language should be revised.

The reference to Section 362(a) of the Bankruptcy Code should be more specific as in the court's form Chapter 11 plan that creditors, interest holders and other parties in interest may not take action to enforce preconfirmation obligations, or any obligations under the plan, so long as the debtor is not in material default of the plan. Creditors and other parties should not have to look up Section 362(a) to see what they can do. If debtor wants to refer to Section 362(a) as well, that is okay since the stay is in effect until the estate property reverts in the reorganized debtor upon entry of the final decree pursuant to the plan, but the plan should specify what are the restrained actions, and once the final decree is entered, the stay is no longer in effect as the discharge injunction would apply.

The language restraining creditors from "taking any actions . . . which may impede or interfere with the implementation or administration of this Plan" is vague and ambiguous as what a creditor may believe is vindicating its rights, debtor may consider to be impeding or interfering with the plan, and thus very debatable. This provision should be revised. The plan language should state that creditors cannot take action to enforce their preconfirmation obligations or plan obligations unless debtor is in material default as in the court's form Chapter 11 plan.

There is no authority for the provision that if creditors seek relief from this

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CONT... David Lee

Chapter 11

provision and relief is denied, debtor is entitled to his legal fees and costs which may not be set off against any claim. Such provision is inconsistent with the American Rule, and if there is a statute or rule that provides for fees and costs, it would be to a prevailing party. This provision should be stricken.

From the court's form Chapter 11 plan, F3018-1.CH11.PLAN:

D. Actions Restrained. Creditors, interest holders and other parties in interest may not take any action to enforce preconfirmation obligations, or any obligations due under this Plan, so long as Debtor is not in material default under this Plan (as defined below). If Debtor is in material default under this Plan, then any party in interest may: (1) take any action permitted under nonbankruptcy law either (a) to enforce the terms of this Plan as a contract of Debtor or (b) to pursue nonbankruptcy remedies including collection of the entire nondischarged dollar amount of any claim held by such person, or (2) if this case is still pending, move to dismiss this case or to convert this case to one under chapter 7, or seek other relief from the bankruptcy court. If this case is converted to chapter 7 at any time, then property will revert in the chapter 7 estate, and the automatic stay will be reimposed upon the reverted property only to the extent that relief from stay was not previously granted by the court during this case.

E. Material Default Defined. If Debtor (1) fails to make any payment required under this Plan, or (2) fails to perform any other obligation required under this Plan for more than 14 days after the time specified in this Plan, or (3) performs any act that is inconsistent with the terms of this Plan, then any affected creditor, interest holder, or other party in interest may file and serve upon Debtor and Debtor's attorney (if any) a written notice of default at their most recent address(es) listed in this case. Debtor is in material default under this Plan if Debtor fails within 21 days after service of that notice of default, plus an additional 3 days if served by mail, either to cure the default or obtain from the court an extension of time to cure the default or a determination that no material default occurred. Notwithstanding the other provisions of this paragraph, to the extent that Debtor has assumed an executory contract or unexpired lease, or to the extent that a creditor retains a lien under this Plan that was a consensual lien, the default provisions of that contract, lease, or lien documentation govern what constitutes a default for purposes of the

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11:00 AM

CONT... David Lee

Chapter 11

rights and remedies thereunder, all subject to applicable nonbankruptcy law and any exceptions set forth in this Plan.

Otherwise, no tentative ruling on the merits. It would be helpful if the amended disclosure statement is approved, the parties should advise whether this will be a contested plan confirmation proceeding, such as regarding disputes over plan treatment of specific claims, plan feasibility, cramdown interest rates or property valuation. Appearances are required on 9/23/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/4/20. The court notes that debtor filed his amended disclosure statement and plan on 9/3/20. At the last hearing on the original disclosure statement, counsel for debtor stated that the disclosure statement would be amended to address the concerns of objecting creditors and to obtain their consent. The responding parties should indicate whether the amended disclosure statement may proceed with consent, or whether additional time is needed to respond to the amended disclosure statement or whether they object. Otherwise, no tentative ruling on the merits at this time. Appearances are required on 9/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Since debtor acknowledges in his reply to the objections of creditors that he will need to make revisions to the disclosure statement to address the objections to these documents, the court will defer a ruling on the disclosure statement until these revisions are made. Debtor will need to resolve the disputes regarding the amount of the secured claims of the objecting creditors either informally as indicated by debtor with respect to Green Lawn or by claim objections under FRBP 3007 with respect to both creditors if he cannot reach an agreement. Contrary to debtor's statements in the disclosure statement, disputes over the amounts of the secured claims are not going to be resolved in hearings on the disclosure statement or plan, but through consensual resolution, a claim objection under FRBP 3007, a motion to value secured claim under FRBP 3012 or an adversary proceeding to determine validity and extent of lien under FRBP 7001. In re Dynamic Brokers, Inc., 293 B.R. 489 (9th Cir. BAP 2003); see also, FRBP 3012(b) (determination of amount of a secured claim may be made by motion, a claim objection or Chapter 12 or 13 plan, which rule does not include a Chapter 11 plan). As indicated in the reply, debtor will agree to revise the disclosure

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CONT... David Lee

Chapter 11

statement and plan to address some of the concerns raised by the objecting creditors, but not as to others. The court agrees with debtor in part that certain objections raised by the creditors are issues to be determined at plan confirmation, such as cramdown interest rate, feasibility, good faith and absolute priority test satisfaction. Appearances are required on 8/5/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

David Lee

Represented By
David A Tilem

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2:19-10119 David Lee

Chapter 11

#3.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/9/20, 9/23/20, 10/28/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/4/21. No tentative ruling on the merits. Appearances are required on 1/7/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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CONT... David Lee

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/21/20. No tentative ruling on the merits. Appearances are required on 9/23/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

David Lee

Represented By
Renee E Sanders

**United States Bankruptcy Court
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Wednesday, January 6, 2021

Hearing Room 1675

1:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#4.00 Hearing re: Motion for Order to Show Cause Why Jae H. Chong Should Not Be Held in Contempt for Failing to Produce Documents

Docket 23

***** VACATED *** REASON: Cont'd from 1/6/21 to 1/19/21 at 3:00 p.m.
per stip & order entered on 12/28/20-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 1/19/21 at 3:00 p.m. No appearances are required on 1/6/21.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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1:30 PM

2:19-24594 John Michael Butcher

Chapter 7

Adv#: 2:20-01049 Neptune Fire Protection, Inc. v. Butcher et al

#5.00 Cont'd status conference re: Complaint to determine nondischargeability of debt fr. 5/5/20, 6/23/20, 11/10/20

Docket 1

***** VACATED *** REASON: Cont'd from 1/6/21 to 1/12/21 at 1:30 p.m. per order entered on 12/14/20-pp.**

Tentative Ruling:

Updated tentative ruling as of 1/4/21. Off calendar. Continued to 1/12/21 at 1:30 p.m. by prior order entered on 12/14/20. No appearances are required on 1/6/21.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report advising that they are settling the matter and are now documenting their settlement. In light of these developments, the court on its own motion continues the status conference to 1/6/21 at 11:30 a.m. as the parties have requested. No appearances are required on 11/10/20.

Party Information

Debtor(s):

John Michael Butcher

Represented By
Dean G Rallis Jr

Defendant(s):

John Michael Butcher

Pro Se

Karen Payne Butcher

Pro Se

Joint Debtor(s):

Karen Payne Butcher

Represented By
Dean G Rallis Jr

Plaintiff(s):

Neptune Fire Protection, Inc.

Represented By
Robert G Klein

**United States Bankruptcy Court
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Wednesday, January 6, 2021

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1:30 PM

CONT... John Michael Butcher

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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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.

#1.00 Cont'd hearing re: Motion of plan agent for leave to amend sixth amended complaint fr. 12/17/20

Docket 808

Tentative Ruling:

No tentative ruling as of 1/4/21. Appearances are required on 1/7/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall

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Thursday, January 7, 2021

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2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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
Jonathan Seligmann Shenson

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
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

Jennifer Kellen

Represented By
J. Bennett Friedman

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, January 7, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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 Ekwan E Rhow Elliot C Harvey Schatmeier
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 Steven Thomas Stephen Sorensen

**United States Bankruptcy Court
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Thursday, January 7, 2021

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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.

#2.00 Cont'd hearing re: Motion to: (A) Extend Expert Discovery Deadlines; and (B) Schedule Hearing on Request to Strike Portions of Plan Agent's Expert Report fr. 12/17/20

Docket 805

Tentative Ruling:

Updated tentative ruling as of 1/4/21. No tentative ruling on the merits.

Appearances are required on 1/7/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Thursday, January 7, 2021

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CONT... **Art and Architecture Books of the 21st Century** Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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 Jonathan Seligmann Shenson
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 Ronald Rus Fahim Farivar Brian L Davidoff Keith Patrick Banner

Jennifer Kellen

Represented By

**United States Bankruptcy Court
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Thursday, January 7, 2021

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2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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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.

#3.00 Cont'd hearing re: Motion to compel discovery
fr. 12/2/20, 12/9/20, 12/17/20

Docket 763

Tentative Ruling:

Updated tentative ruling as of 1/4/21. Appearances are required on 1/7/21 to discuss the form of order for the rulings from the hearing on 12/9/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

Jennifer Kellen

Represented By
J. Bennett Friedman

**United States Bankruptcy Court
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2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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 Ekwan E Rhow Elliot C Harvey Schatmeier
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 Steven Thomas Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

10:30 AM

2:18-10524 Fox Property Holdings, LLC

Chapter 11

#1.00 Hearing re: Motion for relief from stay
(Ayreanna Armstrong VS Debtor)

Docket 253

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion, rules on the motion on the papers, and grants 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. No appearances are required on 1/12/21. Movant 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
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Tuesday, January 12, 2021

Hearing Room 1675

10:30 AM

2:20-19977 LN Ventures, LLC

Chapter 7

#2.00 Hearing re: Motion for relief from stay
(PS Funding, Inc. VS Debtor)

Docket 30

Tentative Ruling:

Sustain movant's evidentiary objection to the Bustamante declaration for failure to comply with the holographic signature requirement of LBR 9011-1(a) as the declarant is not shown to be an electronic filer or employee of an electronic filer, normally practicing attorneys and their employees, to permit a /s/ electronic signature. The court also disregards the Bustamante declaration that sets forth a conclusory valuation opinion which lacks foundation as it is not supported by any scientifically valid valuation analysis to be admissible evidence under Federal Rules of Evidence 702 and 703, and thus, unhelpful expert witness testimony to the court.

Grant motion for stay relief under 11 U.S.C. 362(d)(2) for the reasons stated in the moving papers as movant has met its burden to show the lack of equity of debtor in the subject real property under 11 U.S.C. 362(g)(1) and as this case is a Chapter 7 liquidation case, the property is not necessary for an effective reorganization. Movant's showing of lack of equity is un rebutted since the Bustamante declaration is inadmissible. No tentative ruling on the request for relief under 11 U.S.C. 362(d)(1) for bad faith as cause, and the court would set an evidentiary hearing to address such claim if movant wants a ruling on that claim. No tentative ruling on the request for waiver of the 14 day stay on enforcement of a stay relief order under FRBP 4001(a)(3).

Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be

**United States Bankruptcy Court
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Tuesday, January 12, 2021

Hearing Room 1675

10:30 AM

CONT... LN Ventures, LLC

Chapter 7

conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Party Information

Debtor(s):

LN Ventures, LLC

Represented By
Omero Banuelos

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

11:00 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #2.10** 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. 11/17/20, 12/8/20, 1/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21 to discuss the status of documentation and possible consummation of pending settlement between the parties, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, January 12, 2021

Hearing Room 1675

11:00 AM

CONT... Prototype Engineering & Manufacturing, Inc. Chapter 7

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

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

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, January 12, 2021

Hearing Room 1675

1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#3.00 Cont'd 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. 4/29/20, 6/9/20, 9/8/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to

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

Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT... Anthony Roy Martinez

Chapter 7

call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/3/20. No tentative ruling on the merits. Appearances are required on 9/8/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/8/20. Off calendar. Having considered the joint status report filed on 6/5/20 representing that the state court criminal proceedings are still pending with a further hearing on 8/12/20, the court continues the status conference on its own motion to 9/8/20 at 1:30 p.m. No appearances are required on 6/9/20, and counsel for plaintiff is ordered to give notice to counsel for defendant.

Prior tentative ruling as of 4/27/20. Off calendar. Having considered the joint status report filed on 4/23/20 representing that the state court criminal proceedings are still pending with a further hearing on 5/27/20, the court continues the status conference on its own motion to 6/9/20 at 1:30 p.m. No appearances are required on 4/29/20, and counsel for plaintiff is ordered to give notice to counsel for defendant.

Prior tentative ruling as of 2/11/20. The court has reviewed the parties' joint status update. No tentative ruling on the merits. Appearances are required on 2/11/20, but counsel may appear by telephone.

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 8/27/19. The court has reviewed the explanation of counsel for plaintiffs dated 4/17/17, but filed on 8/26/19, requesting a

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Central District of California
Los Angeles
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CONT...

Anthony Roy Martinez

Chapter 7

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 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.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT... Anthony Roy Martinez

Chapter 7

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

Adamantine Investments LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT... Anthony Roy Martinez

Chapter 7

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, January 12, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01367 Bandy et al v. Okland

#4.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 4/14/20, 7/21/20, 10/20/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. Off calendar. The court has reviewed plaintiff's unilateral status report and notes that plaintiff filed an amended complaint on 1/5/21. In light of the filing of the amended complaint, the court on its own motion continues the status conference to 3/16/21 at 1:30 p.m. and orders plaintiff to give notice of the continued status conference with service of the amended complaint. No appearances are required on 1/12/21.

Prior tentative ruling as of 10/16/20. The court has reviewed plaintiffs' unilateral status report stating that plaintiffs will be filing an amended complaint, but would like a 60 day continuance because there are settlement negotiations with a third party obligee which may have an impact on plaintiffs' damages in this litigation. No tentative ruling on the merits. Appearances are required on 10/20/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. Instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT...

Dean Henrik Okland

Chapter 7

to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Updated tentative ruling as of 7/17/20. The court has reviewed plaintiff's unilateral status report stating that defendant has filed a notice of change of address indicating that he is now living in Georgia and that plaintiff will be filing an amended complaint. No tentative ruling on the merits. Appearances are required on 7/21/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Pro Se

Plaintiff(s):

Garrett Bandy

Represented By
David S Hagen

**United States Bankruptcy Court
Central District of California
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CONT... Dean Henrik Okland
Heather Foster

Represented By
David S Hagen

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

2:19-20416 Susie L Wong

Chapter 7

#5.00 Cont'd hearing re: Amended motion to avoid lien under 11 U.S.C. §522(f) (real property) with Sequoia Concepts, Inc. dba Sequoia Financial Services fr. 8/4/20, 9/8/20, 10/20/20

Docket 54

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

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1:30 PM

CONT... Susie L Wong

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 10/16/20. The court has reviewed the unilateral status report of counsel for debtor, stating that he is having difficulty communicating with his client and that he will be filing a motion to withdraw as counsel for debtor. The court is inclined to continue the hearing on the pending motion to avoid lien in light of the anticipated motion to withdraw, and will set a further status conference on this matter in about 60 days to ascertain if debtor will retain new counsel or represent herself on the pending motion. Appearances are required on 10/20/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/3/20. No tentative ruling on the merits. The court will discuss the appointment of a replacement appraiser to evaluate the subject property for the adjudication of the motion. While the trustee has filed a notice of abandonment of the property, any abandonment does not apparently affect the pending lien avoidance motion, though the parties may be heard on this at the hearing. Appearances are required on 9/8/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. The court will discuss with counsel the status of the appraiser jointly selected by the parties and appointed by the court. The court intends to set a further status conference in order for the parties with sufficient time for the parties to review and consider the appraisal report and then to discuss scheduling an evidentiary hearing if the parties are unable to consensually resolve the matter. No tentative ruling on the merits. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Treat the amended motion to avoid lien of Creditor Sequoia Concepts, Inc., as a contested matter under FRBP 9014 because there are disputed issues of material fact regarding valuation of the subject property and the liens attached thereto. The parties have filed evidence of

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Central District of California
Los Angeles
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CONT...

Susie L Wong

Chapter 7

conflicting valuation of the subject property at \$740,000 based on the declaration of a real estate broker for Debtor and \$945,000 based on a declaration of real estate broker for Creditor. The value of the property at \$770,000 based on the trustee's "acceptance" of an offer to sell the property based on the trustee's declaration filed on 1/8/20 is not conclusive because there has been no sale of the property to deem that value as the fair market value of the property for purpose of Debtor's lien avoidance motion as no motion for sale has been filed by the trustee. There are also factual issues regarding the value of the unavowed liens on the property. The first lien of Encore is valued at \$366,799.14 based on a notice of trustee's sale dated 8/6/19 attached as Exhibit 4 to the amended motion, which value does not appear to be in dispute. The second lien of Oxford Property, LLC is valued at \$110,000 based on the stipulation between the trustee and Oxford fixing the value of the lien, though Debtor asserts the value in the motion to be \$200,090, which was disputed by the trustee, leading to the settlement between trustee and Oxford. The court is of the view that the value of Oxford's lien is the \$110,000 which was the agreed value between it and the trustee, though Debtor might disagree, which may raise a disputed issue of material fact. The value of the California Franchise Tax Board liens is \$29,069.15, which is the value of its secured claim on its proof of claim filed in this case. However, Debtor asserts that the Franchise Tax Board liens should be valued at \$12,144.89, \$14,440.62 and \$19,208.07, totaling \$45,793.58, which may present a disputed issue of material fact. The value of the Internal Revenue Service liens is \$180,817.59, which is the value of its secured claim on its proof of claim filed in this case. However, Debtor asserts that the IRS liens should be valued at \$63,204.00, \$116,383.14 and \$22,351.77, totaling \$201,938.91, which may present a disputed issue of material fact. In the court's view, the values of the taxing authorities' liens stated on the proofs of claim should be the values for purposes of the motion because the proofs of claim are what the claimants assert are their claims on the petition date and are prima facie evidence of the validity and amount of the claims pursuant to Federal Rule of Bankruptcy Procedure 3001(f). There is no evidence that rebuts the prima facie correctness of the filed proofs of claim of the FTB and IRS. The court's computation of the unavowed liens of Encore (\$366,799.14), Oxford (\$110,000), FTB (\$29,069.15) and IRS (\$180,817.59), which total

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CONT...

Susie L Wong

Chapter 7

\$686,685.88. Adding Debtor's claim of \$175,000 as her homestead exemption yields a total of \$861,168.88, which would indicate no available equity for Sequoia's lien to attach if the value of the property is \$740,000, but available equity of \$83,831.12 if the value of the property is \$945,000 which is sufficient for Sequoia's lien valued at \$21,840.46 to attach. The amount of available equity for Sequoia's lien would be increased if the court accords credence to Debtor's assertions in her declaration that she is an "innocent spouse" not responsible for her late husband's tax liabilities, so that presumably, she is not liable for his tax liabilities, and thus, the property is not subject to his tax liens, which would apparently mean that the tax lien amounts should not be considered in determining available equity for Sequoia's lien to attach. Debtor's assertions that she is not liable for the taxes may also raise a disputed issue of material fact in valuing the unavowed liens against the property (if the court disregards the tax liens, then under either valuation, there is sufficient equity for Sequoia's lien to attach). The conflicting valuation evidence raises disputed issues of material fact that generally requires an evidentiary hearing because the court has to make credibility determinations as to the valuation opinions. The parties could call their valuation witnesses as witnesses at a hearing, and they may want to take discovery as the broker for Creditor has not inspected the property, and the court can make a determination after hearing their testimony, or the parties could waive their right to an evidentiary hearing, and the court can decide valuation, and the motion, on the papers, or the parties could stipulate to what this court would call the Judge Zurzolo method of valuation that the court appoints an independent appraiser to value the property, and the parties split the cost of the fees for the court appointed expert pursuant to Federal Rule of Evidence 706. The court cannot decide the motion on the papers without an evidentiary hearing unless both parties consent to waive their right to an evidentiary hearing.

Appearances are required on 5/26/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Susie L Wong

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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CONT... Susie L Wong

Chapter 7

Chi L Ip

Movant(s):

Susie L Wong

Represented By
Chi L Ip

Susie L Wong

Represented By
Chi L Ip

Susie L Wong

Represented By
Chi L Ip

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

2:19-24594 John Michael Butcher

Chapter 7

Adv#: 2:20-01049 Neptune Fire Protection, Inc. v. Butcher et al

#6.00 Cont'd status conference re: Complaint to determine nondischargeability of debt
fr. 6/23/20, 11/10/20, 1/6/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. Off calendar. The court has reviewed the joint status report advising that they are settling the matter and will execute their settlement documentation and a stipulation for dismissal by 2/9/21. In light of these developments, the court on its own motion continues the status conference to 2/9/21 at 1:30 p.m. No appearances are required on 1/12/21.

Party Information

Debtor(s):

John Michael Butcher

Represented By
Dean G Rallis Jr

Defendant(s):

John Michael Butcher

Pro Se

Karen Payne Butcher

Pro Se

Joint Debtor(s):

Karen Payne Butcher

Represented By
Dean G Rallis Jr

Plaintiff(s):

Neptune Fire Protection, Inc.

Represented By
Robert G Klein

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

1:30 PM

2:20-10131 Alex S Min

Chapter 7

#7.00 Order directing chapter 7 trustee John P. Pringle to show cause why authorization of employment of his proposed counsel should not be denied for failure to obtain the court's approval pursuant to 11 U.S.C. §327(a) and/or compensation denied for services rendered without employment authorization

Docket 58

***** VACATED *** REASON: Matter vacated per order entered on 1/8/2021-mb.**

Tentative Ruling:

Off calendar. The court has reviewed the trustee's declaration in response to the court's order to show cause stating that he will not apply for employment of his firm and has issued an order discharging the order to show cause, and vacating the hearing on 1/12/21. No appearances are required on 1/12/21.

Party Information

Debtor(s):

Alex S Min

Represented By
Young K Chang

Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung
John P Pringle

**United States Bankruptcy Court
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Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#8.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 10/20/20, 12/8/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. The court will discuss with the parties whether they would proceed to trial on stipulated facts or file cross-motions for summary judgment, and other matters pertaining to the status of the matter, including the pending motion of defendant Yu to set aside default.

Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be

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

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1:30 PM

CONT...

Ki Hyong Kim

Chapter 7

conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 1/31/21 and a post-discovery status conference for 2/16/21 at 1:30 p.m. A joint status report must filed by 2/9/21. Alternatively, the court could set a pretrial conference instead of the post-discovery status conference. Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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

Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT... Ki Hyong Kim

Chapter 7

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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 12, 2021

Hearing Room 1675

1:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#9.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 8/4/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the

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

Tuesday, January 12, 2021

Hearing Room 1675

1:30 PM

CONT...

Richard Ochoa Telles

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

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

Tuesday, January 12, 2021

Hearing Room 1675

2:00 PM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#10.00 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. 8/18/20, 10/27/20, 11/17/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

2:00 PM

CONT...

Jong J Kim

Chapter 7

Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/17/20. The court has reviewed the unilateral pretrial stipulation and declaration filed by counsel for plaintiff. Regarding the statement of issues of law, the court is of the view that plaintiffs need to set out the specific legal issues for each claim that they are asserting. The court would prefer that the parties set out the elements of each claim or defense that they are asserting, and the court is considering requiring the parties to file trial briefs that set this out because the unilateral pretrial stipulation filed by plaintiff just sets out generic conclusory statements of the legal issues. The court is unclear the legal authority for plaintiffs' claims of attorneys' fees and interest since none are alleged in the complaint or the unilateral pretrial stipulation. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 8/14/20. No tentative ruling on the merits. Since the status conference was continued due to the failure of one counsel to appear and the court decided not to sanction the attorney for his nonappearance, the court expects that counsel has met and confer regarding rescheduling further proceedings in this matter to be discussed at the status conference on 8/18/20. Appearances are required on 8/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/1/20. No tentative ruling on the merits. Appearances are required on 5/5/20 to discuss the status of the adversary proceeding, including the status of mediation and settlement negotiations and if not settled, when a pretrial conference should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) declared a

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Tuesday, January 12, 2021

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2:00 PM

CONT...

Jong J Kim

Chapter 7

public health emergency in the State of California and the United States of America and the current national and local public health guidance to mitigate the spread of the disease through social distancing, on March 19, 2020, the United States District Court for the Central District of California issued General Order 20-042, which among other things closes all courthouses of the Central District of California to the public, including the Roybal Federal Building, through May 1, 2020, and accordingly, the court on its own motion continues the status conference in this adversary proceeding scheduled for March 31, 2020 at 1:30 p.m. to May 5, 2020 at 1:30 p.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on March 31, 2020 at 1:30 p.m. as the status conference is continued to May 5, 2020 at 1:30 p.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Counsel for plaintiff is ordered to give notice to the other parties.

Prior 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

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Tuesday, January 12, 2021

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2:00 PM

CONT...

Jong J Kim

Chapter 7

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 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

**United States Bankruptcy Court
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Hearing Room 1675

2:00 PM

CONT... **Jong J Kim**

Chapter 7

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, January 12, 2021

Hearing Room 1675

2:30 PM

2:13-28484 Pasadena Adult Residential Care, Inc

Chapter 7

#11.00 Hearing re: Objection to Claim Number 39 by Claimant Investor's Pot, LLC

Docket 735

Tentative Ruling:

Trustee will need to explain the impact of the timeliness requirement of FRBP 3004 on the validity of the supplemental proof of claim that he filed on behalf of the creditor. It seems to the court that it could reach the question of validity of the purported secured claim of creditor anyway based on the existence of the purported note and UCC-1 financing statements pursuant to FRBP 3007 and 3012. Otherwise, the court is inclined to grant the motion objecting to the claim for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 9013-1(h).

Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone

**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

CONT... Pasadena Adult Residential Care, Inc

Chapter 7

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Pasadena Adult Residential Care, Inc

Represented By
Hamid R Rafatjoo
Joyce H Vega

Trustee(s):

Peter J Mastan (TR)

Represented By
Dawn A Messick
Christopher Celentino
Ashleigh A Danker

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

#12.00 Order to show cause why sanctions should not be imposed against plaintiff Howard Ehrenberg's attorney Jeffrey Shinbrot and defendant's attorney Gary Wallace for failure to appear at status conference

Docket 72

Tentative Ruling:

Updated tentative ruling as of 1/11/21. Having read the counsel declarations in response to the order to show cause, the court is inclined to discharge the order to show cause. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

CONT...

Dean Henrik Okland

Chapter 7

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Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Represented By
Gary R Wallace

Plaintiff(s):

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

Jennifer Sunderland

Represented By
Kimberly Wright

James Farrow

Represented By
Kimberly Wright

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

#13.00 Cont'd hearing re: Plaintiff Chapter 7 trustee Howard M. Ehrenberg's motion for partial summary judgment – fifth claim for relief – denial of discharge for concealment, destruction, or failure to preserve the debtor's books and records pursuant to 11 U.S.C. § 727(a)(3) and violation of a court's order pursuant to 11 U.S.C. § 727(a)(6)

fr. 12/15/20

Docket 42

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

CONT...

Dean Henrik Okland

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Represented By
Gary R Wallace

Movant(s):

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

Plaintiff(s):

Jennifer Sunderland

Represented By
Kimberly Wright

James Farrow

Represented By
Kimberly Wright

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 12, 2021

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2:30 PM

CONT... Dean Henrik Okland

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 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. 6/16/20, 10/20/20, 12/15/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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Los Angeles
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

CONT...

Dean Henrik Okland

Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be

Prior tentative ruling as of 12/14/20. No tentative ruling on the merits. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 10/16/20. No tentative ruling on the merits. Appearances are required on 10/20/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/12/20. No tentative ruling on the merits. The court and the parties will discuss setting a schedule of pretrial proceedings, including a discovery cutoff date, a post-discovery status conference date or a pretrial conference date. Appearances are required on 6/16/20, but counsel and self-represented parties must appear by telephone.

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
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

2:19-19769 Romulo Adalberto Rodas

Chapter 7

#15.00 Hearing re: Motion to close case but retain estate's interest in proof of claim filed in bankruptcy case as asset of estate

Docket 25

***** VACATED *** REASON: Notice of withdrawal filed on 1/6/21-mb**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 1/6/21. No appearances are necessary.

Party Information

Debtor(s):

Romulo Adalberto Rodas

Represented By
Jaime A Cuevas Jr.

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

#16.00 Hearing re: Application by chapter 7 trustee to employ Keller Williams as real estate broker

Docket 33

Tentative Ruling:

The court will advance the hearing on the application to be conducted with the status conference in this adversary proceeding on the court's 1:30 p.m. hearing calendar if the parties consent. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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2:30 PM

CONT...

Ki Hyong Kim

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee

**United States Bankruptcy Court
Central District of California
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Tuesday, January 12, 2021

Hearing Room 1675

2:30 PM

2:20-17954 V.P. Manufacturing, Inc.

Chapter 7

#17.00 Hearing re: Application for payment of final fees and expenses for Van Horn Auctions & Appraisal Group, LLC, Auctioneer

Docket 39

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of auctioneer for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application, rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 1/12/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

V.P. Manufacturing, Inc.

Represented By
Mark T Young
David M Goodrich

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich

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

Wednesday, January 13, 2021

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, 7/15/20, 8/19/20, 10/14/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

CONT... Brunelle Equities LLC

Chapter 11

telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, January 13, 2021

Hearing Room 1675

11:00 AM

2:15-24071 Francisco O Lopez

Chapter 11

#2.00 Cont'd order to show cause why debtor's counsel of record, Jaurigue Law Group, and debtor Francisco Lopez should not be sanctioned for failure to appear at the September 9, 2020 status conference
fr. 10/7/20, 12/9/20

Docket 167

***** VACATED *** REASON: Matter moot per order entered on 1/8/2021-
mb.**

Tentative Ruling:

Off calendar. By order entered on 1/8/21, the order to show cause is discharged, and the hearing is vacated. No appearances are required on 1/15/21.

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, January 13, 2021

Hearing Room 1675

11:00 AM

2:15-24071 Francisco O Lopez

Chapter 11

#3.00 Cont'd hearing re: Motion under 11 U.S.C. § 1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee fr. 10/7/20, 12/9/20

Docket 170

***** VACATED *** REASON: Matter moot per order entered on 1/8/2021-
mb.**

Tentative Ruling:

Off calendar. By order entered on 1/8/21 granting the unopposed motion to administratively close the case, the motion is moot, and the hearing is vacated. No appearances are required on 1/15/21.

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, January 13, 2021

Hearing Room 1675

11:00 AM

2:15-24071 Francisco O Lopez

Chapter 11

#4.00 Cont'd status conference re: Post confirmation of plan
fr. RN, 9/9/20, 10/7/20, 12/9/20

Docket 1

***** VACATED *** REASON: Matter moot per order entered on 1/8/2021-
mb.**

Tentative Ruling:

Off calendar. By order entered on 1/8/21 granting the unopposed motion to
administratively close the case, the status conference is moot and vacated.
No appearances are required on 1/15/21.

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, January 13, 2021

Hearing Room 1675

11:00 AM

2:17-24737 Advance Specialty Care, LLC

Chapter 11

#5.00 Cont'd status conference re: Post confirmation of plan
fr. 12/11/19, 4/8/20, 8/19/20

Docket 255

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

CONT... Advance Specialty Care, LLC

Chapter 11

telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, January 13, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#6.00 Cont'd technical pretrial conference re: Objection to claim no.1 filed by the Internal Revenue Service
fr. 7/8/20, 9/16/20, 10/28/20

Docket 39

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/11/20. No tentative ruling on the merits. Appearances are required on 9/16/20 to discuss the status of the mediation which the court had ordered, but counsel and self-represented parties must appear by telephone. The hearing will be conducted as a status conference, and not a pretrial conference.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Revised tentative ruling as of 7/7/20. No tentative ruling on the merits. Since the court approved the order referring the matter to mediation on 7/6/20, the court will discuss scheduling the mediation proceedings and sequencing with the evidentiary hearing. Parties to advise if they have been able to schedule an appointment with the selected mediator. Appearances are required on 7/8/20, but counsel and self-represented parties must 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, January 13, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#7.00 Cont'd status conference re: Management of chapter 11 case
fr. 7/8/20, 9/16/20, 10/28/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Samuel Marquez

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#7.10 Hearing re: Second interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP

Docket 729

Tentative Ruling:

Off calendar. Continued to 2/10/21 at 11:00 a.m. by prior order. No appearances are required on 1/13/21.

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
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Wednesday, January 13, 2021

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.

#8.00 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. 9/16/20, 10/29/20, 10/28/20

Docket 1

***** VACATED *** REASON: Cont'd from 1:30 p.m. to 3:00 p.m. on
1/13/21 per notice filed on 12/29/20-mb.**

Tentative Ruling:

By prior notice of the court, the status conference is rescheduled for the 3:00 p.m. calendar. Appearances are required at 3:00 p.m., not 1:30 p.m.

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
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Wednesday, January 13, 2021

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1:30 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

**United States Bankruptcy Court
Central District of California
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Wednesday, January 13, 2021

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.

#9.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 8/19/20, 9/2/20, 10/22/20

Docket 713

***** VACATED *** REASON: Cont'd from 1:30 p.m. to 3:00 p.m. on
1/13/21 per notice filed on 12/29/20-mb.**

Tentative Ruling:

By prior notice of the court, the pretrial conference is rescheduled for the 3:00 p.m. calendar. Appearances are required at 3:00 p.m., not 1:30 p.m.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

1:30 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

1:30 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 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.

#10.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 8/19/20, 9/2/20, 10/22/20

Docket 713

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/23/21, but counsel and self-represented parties must appear by telephone.

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

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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
Ronald Rus
Fahim Farivar
Brian L Davidoff

**United States Bankruptcy Court
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Wednesday, January 13, 2021

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1675

3:00 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.

#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. 9/16/20, 10/29/20, 10/28/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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CONT... **Art and Architecture Books of the 21st Century** Chapter 11

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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
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Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 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.

#12.00 Cont'd hearing re: Motion of plan agent for leave to amend sixth amended complaint
fr. 12/17/20, 1/7/21

Docket 808

Tentative Ruling:

Revised tentative ruling as of 1/13/21.

In this case, if plaintiff's motion to amend the sixth amended complaint to bring additional claims regarding transfers made by the debtor during the four to seven year period before the petition date is granted, this will of necessity affect the existing deadlines of the amended scheduling order in this matter. Defendants will have to prepare a defense as to an expanded claim based on these additional transfers, and therefore, Federal Rule of Civil Procedure 16(b)(4) requires plaintiff as the moving party to show "good cause" before being granted leave to amend the pleadings, in addition to the showing required under Federal Rule of Civil Procedure 15. *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000).

To establish "good cause," plaintiff as the party seeking modification of a scheduling order must generally show that, even with the exercise of due diligence, he cannot meet the deadlines of the existing scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). In determining "good cause," courts consider: (1) the explanation for the failure to timely move for leave to amend; (2) the importance of the amendment; (3) potential prejudice in allowing the amendment; and (4) whether a continuance would cure such prejudice. Phillips and Stevenson, Rutter Group Practice Guide, Federal Civil Procedure Before Trial, Ninth Circuit and California Edition, ¶ 15.30.2, citing *Southwestern Bell Tel. Co. v. City of El Paso*, 346 F.3d 541, 546 (5th Cir. 2003) (involving amendment of pleadings); *Squyres v. Heico Cos., L.L.C.*, 782 F.3d 224, 237(5th Cir. 2015) (parties' "self-imposed" agreement to delay discovery did not establish "good cause" for continuance); *Tesone v. Empire Marketing Strategies*, 942 F.3d 979, 988-989 (10th Cir.

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Central District of California
Los Angeles
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

2019) (no good cause to modify order where plaintiff did not show diligent efforts to comply with expert disclosure deadline and gave no explanation for belated motion). Considering these criteria, plaintiff's explanation for not moving for leave to amend earlier is that his expert witness did not learn of the potential claim until she completed her forensic accounting report in October 2020, and plaintiff could not plausibly allege an amended claim as to these additional transfers before that time. The importance of the amendment is demonstrated here because the amended claim would increase the value of its claim by around \$12 million. The potential prejudice in allowing the amendment is that defendants have been preparing their defense of the action based on the claim asserting transfers within the time period of 0 to 4 years prepetition and would have to take discovery and otherwise prepare a defense for transfers during an additional three year period, from four to seven years prepetition. A continuance of the pretrial schedule would largely address such prejudice.

Even if "good cause" exists for modifying the scheduling order under Rule 16(b), the court still has discretion to refuse the amendment if it finds reasons for denying leave to amend under FRCP 15(a) (i.e., unreasonable delay, bad faith, futile amendment). Rutter Group Practice Guide, Federal Civil Procedure Before Trial, Ninth Circuit and California Edition, ¶15.32.1, citing, *Sullivan v. Leor Energy, LLC*, 600 F.3d 542, 551 (5th Cir. 2010); see also *Trim Fit, LLC v. Dickey*, 607 F.3d 528, 531 (8th Cir. 2010) (court may deny motion based on undue prejudice to other party); *Bradford v. DANA Corp.*, 249 F.3d 807, 809 (8th Cir. 2001).

Defendants assert that the proposed amendment of the Sixth Amended Complaint raises new claims not previously raised in prior complaints and results from unreasonable delay, bad faith and/or futile amendment, which constitutes great prejudice to Defendants to prepare defenses to any new claims at this late stage of the litigation. Defendant Cathay Bank contends that the existing and prior complaints do not give fair notice of plaintiff's new claims to meet the particularity requirements for pleading under FRCP 8(a)(2), citing this court's decision in *Avery v. Leya Technologies (In re Prototype Engineering)* 2019 WL 9243004 (Bankr. C.D. Cal. 2019).

Contrary to Cathay Bank's contention, it appears that plaintiff did in the

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

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

operative Sixth Amended Complaint make factual allegations to support at least some actionable portion of the expanded claim as proposed in the motion to amend. Specifically, the Plan Agent's allegations in paragraphs 37-38, 58-59, and Exhibit 5 to the Sixth Amended Complaint allege in some particularity the dates, amounts, source, and transferee of transfers made by or on behalf of the Debtor during the four to seven year period prepetition.

The court notes that its decision in Prototype cited the case of *Beskroner v. OpenGate Capital Group (In re Pennysaver USA Publishing, LLC)*, 587 B.R. 445 (Bankr. D. Del. 2018), wherein the court held that the plaintiff trustee sufficiently pleaded a constructive fraudulent transfer claim under the California Uniform Fraudulent Transfer Act, California Civil Code, § 3439.05, and other applicable law, by alleging that the transfer was for less than reasonably equivalent value at a time when debtors were insolvent. As noted by Cathay Bank, the court discussed in Prototype that "The courts have generally determined that constructive fraudulent transfer claims are adequately pleaded under Federal Rule of Civil Procedure 8(a)(2) when certain elements, such as the "dates, amounts, source, and transferee of each alleged transfer[.]" are alleged. *In re Pennysaver USA Publishing, LLC*, 587 B.R. at 456."

Paragraph 37: The Museum Lease provided for base rent starting at \$100,000 each month. Documents produced by or on behalf of 400 S. La Brea show that the first \$2,940,668.72 in rent, property taxes, late fees, and related charges, that was paid under the terms of the Museum Lease, from its execution through to July 2009, were paid by or on behalf of the Debtor into 400 S. La Brea's checking account at Cathay Bank (the "Cathay Account"), even though the Museum Premises remained an empty shell of a building, and even though the Debtor received no value in return for paying Christmas' rental obligations on the Museum Lease. See Exhibit 5.

Paragraph 38: In December 2008, in addition to paying rent, the Debtor paid \$112,523.99 into the Cathay Account in satisfaction of property taxes due on the Museum Premises and Sycamore Lot. One month later, in January 2009, the Debtor paid another \$69,270.50 into the Cathay Account to bring property

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taxes current. Six months later, the Debtor wired another \$132,667.96 into the Cathay Account for property taxes on the Museum Premises and Sycamore Lot.

Paragraph 58 and 59: When Ace Museum executed the Assignment in 2009, and the Debtor began providing the funds for payment of Ace Museum's rent, the Debtor was already insolvent. The Debtor's tax returns for its fiscal years of 2008, 2009 and 2010 show ongoing operational losses:

2008 (June 2008 to May 2009) - Net loss of \$-1,489,559

2009 (June 2009 to May 2010) - Net loss of \$-4,833,371

2010 (June 2010 to May 2011) - Net loss of \$-1,702,246

Throughout this period, the Debtor had no excess funds of its own to use for payment of Ace Museum's rent. Instead, the Debtor borrowed money on top of an already crushing debt load. The Debtor's tax return for 2008 showed total long-term and short-term loan debt of more than \$7.7 million. By the time it filed its 2009 return, the Debtor's long-term and short-term loan debt was more than \$11.6 million, while its 2010 return shows long-term and short-term loan debt of more than \$12 million.

Further, the court notes that Exhibit 5 to the Sixth Amended Complaint, which was provided by 400 S. La Brea to the Plan Agent in discovery, includes the date, amount, and transferee information for rent payments to 400 S. La Brea from December 28, 2007 and thereafter; i.e. at least seven payments in the four to seven year period prepetition.

Accorindgly, the proposed amendment would clarify that the plan agent is asserting an actionable claim based on specific allegations already in the existing complaint that the plan agent, and thus, there should be no unfair surprise to allow such amendment for alleged fraudulent transfer while allegedly insolvent back to June 2008. Grant motion in part, deny in part, and allow amendment of constructive fraud claim in third claim for relief in the existing complaint.

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Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

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

Wednesday, January 13, 2021

Hearing Room 1675

3:00 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
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
Jonathan Seligmann Shenson

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
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

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

Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Cathay Bank, a California

Represented By

Ekwan E Rhow

Elliot C Harvey Schatmeier

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

Steven Thomas

Stephen Sorensen

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

Wednesday, January 13, 2021

Hearing Room 1675

3:00 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.

#13.00 Cont'd hearing re: Motion to: (A) Extend Expert Discovery Deadlines; and (B) Schedule Hearing on Request to Strike Portions of Plan Agent's Expert Report fr. 12/17/20, 1/7/21

Docket 805

Tentative Ruling:

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits.

Appearances are required on 1/13/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, January 13, 2021

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3:00 PM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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 Jonathan Seligmann Shenson
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 Ronald Rus Fahim Farivar Brian L Davidoff Keith Patrick Banner

Jennifer Kellen

Represented By

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

Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Wednesday, January 13, 2021

Hearing Room 1675

3:00 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.

#14.00 Cont'd hearing re: Motion to compel discovery
fr. 12/9/20, 12/17/20, 1/7/21

Docket 763

Tentative Ruling:

Updated tentative ruling as of 1/11/21. Appearances are required on 1/13/21 to discuss the form of order for the rulings from the hearing on 12/9/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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Party Information

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Art and Architecture Books of the

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David W. Meadows
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Carolyn A Dye
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Defendant(s):

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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
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Fahim Farivar
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Jennifer Kellen

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, January 13, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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 Ekwan E Rhow Elliot C Harvey Schatmeier
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 Steven Thomas Stephen Sorensen

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

Friday, January 15, 2021

Hearing Room 1675

9:30 AM

2:14-29611 Nikolay Machevsky

Chapter 7

#1.00 TRIAL BY ZOOM RE: Hearing re: Motion to allow supplemental administrative expense claim of Data Leverage, LLC
fr. 12/8/20

Docket 121

***** VACATED *** REASON: Matter rescheduled from 9:30 a.m. to 12:00 p.m per notice filed on 12/11/20-mb.**

Tentative Ruling:

Updated tentative ruling as of 12/28/20. The hearing is rescheduled from 9:30 a.m. to 12:00 p.m. per notice filed on 12/11/20. Appearances are required at 12:00 noon, not at 9:30 a.m.

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes' and 'including' are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Friday, January 15, 2021

Hearing Room 1675

9:30 AM

CONT...

Nikolay Machevsky

Chapter 7

evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e., \$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Friday, January 15, 2021

Hearing Room 1675

9:30 AM

CONT... Nikolay Machevsky

Chapter 7

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Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

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**

Friday, January 15, 2021

Hearing Room 1675

12:00 PM

2:14-29611 Nikolay Machevsky

Chapter 7

#2.00 TRIAL BY ZOOM RE: Hearing re: Motion to allow supplemental administrative expense claim of Data Leverage, LLC
fr. 12/8/20

Docket 121

Tentative Ruling:

Updated tentative ruling as of 12/28/20. The Court hereby provides notice to the parties to this contested matter that the Court will hold the evidentiary hearing on claimant's motion for allowance of administrative expense claim on **January 15, 2021 at 12:00 p.m. (noon)**, which will be conducted via Zoom for Government. Participants will be connected to the courtroom using Zoom for Government but will not be physically present in the courtroom. Participants must connect to the Zoom for Government courtroom no later than 11:50 a.m. and check in with the law clerk/DECRO. If a trial participant is having problems connecting to the trial, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Video. Utilize the following link: <https://cacb.zoomgov.com/j/1617360264>

and insert **Meeting ID**: 161 736 0264 and **Password**: 128488

b. Audio only. Audio-only participants must call into Zoom for Government by calling:

+1 669 254 5252, or +1 646 828 7666;

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

Friday, January 15, 2021

Hearing Room 1675

12:00 PM

CONT... Nikolay Machevsky

Chapter 7

and insert **Meeting ID**: 161 736 0264 and **Password**: 128488

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes' and 'including' are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e.,

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

Friday, January 15, 2021

Hearing Room 1675

12:00 PM

CONT... Nikolay Machevsky

Chapter 7

\$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

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, January 19, 2021

Hearing Room 1675

10:30 AM

2:20-10131 Alex S Min

Chapter 7

#1.00 Cont'd hearing re: Motion for relief from stay
(JPMorgan Chase Bank, N.A. VS Debtor)
fr 6/2/20, 9/8/2020, 11/17/20

Docket 13

Tentative Ruling:

Updated tentative ruling as of 1/15/21. No tentative ruling on the merits. Trustee on 1/11/21 filed a report of sale of the subject real property, and the parties should appear and address how the sale affects the pending stay relief motion, and how the court should proceed on the motion.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

10:30 AM

CONT...

Alex S Min

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/16/20. Off calendar. Continued by stipulation and order to 1/19/21 at 10:30 a.m. No appearances are required on 11/17/20.

Revised and updated tentative ruling as of 9/4/20. Off calendar. Continued by stipulation and order to 11/17/20 at 10:30 a.m. No appearances are required on 9/8/20.

Party Information

Debtor(s):

Alex S Min

Represented By
Young K Chang

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, January 19, 2021

Hearing Room 1675

10:30 AM

2:20-13074 Wiseman Construction Pros, Inc.

Chapter 7

#2.00 Hearing re: Motion for relief from stay
(Western Equipment Finance, Inc. VS Debtor)

PROPERTY RE: 2017 Ford F-650 Dump Truck,
Serial No. 1FDWF6DC9HDB07595

Docket 27

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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. No appearances are required on 1/19/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Wiseman Construction Pros, Inc.

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

Hearing Room 1675

10:30 AM

2:20-13074 Wiseman Construction Pros, Inc.

Chapter 7

#3.00 Hearing re: Motion for relief from stay
(Western Equipment Finance, Inc. VS Debtor)

PROPERTY RE: 2016 Harben DTK 300 E0180 High Pressure Water Jetting Trailer,
Serial No. 1H915109GC122042

Docket 28

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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. No appearances are required on 1/19/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Wiseman Construction Pros, Inc.

Represented By
Paul M Brent

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

Hearing Room 1675

10:30 AM

2:20-19285 Delia Monique Holguin

Chapter 7

#4.00 Hearing re: Motion for relief from stay
(Exeter Finance LLC VS Debtor)

Docket 12

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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. No appearances are required on 1/19/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Delia Monique Holguin

Pro Se

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

Hearing Room 1675

10:30 AM

2:20-19344 3327 Ione LLC

Chapter 7

#5.00 Hearing re: Motion for relief from stay
(Crown City Capital VS Debtor)

Docket 16

Tentative Ruling:

In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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, the court denies request for relief under 11 U.S.C. 362(d)(4) and for extraordinary relief in paragraph 8 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. Appearances are optional on 1/19/21. Movant to submit a proposed order within 7 days of hearing.

If movant wants to be heard on the denial of the request for relief under 11 U.S.C. 362(d)(4) and for extraordinary relief, appearance is required on 1/19/21.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by

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Hearing Room 1675

10:30 AM

CONT... 3327 Ione LLC

Chapter 7

telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

3327 Ione LLC

Represented By
Julie A Duncan

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

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

2:20-19823 Constantin Zubin

Chapter 7

#5.10 Cont'd hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)
fr. 1/5/21

Re: 2019 Toyota Tundra 4WD

Docket 8

Tentative Ruling:

Updated tentative ruling as of 1/15/21. No updated tentative ruling. The hearing was continued at the parties' request to engage in settlement negotiations. The parties need to appear as to how to proceed on the motion.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Hearing Room 1675

10:30 AM

CONT...

Constantin Zubin

Chapter 7

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. Grant motion for 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 for cause shown, i.e., there is no bankruptcy purpose for maintaining the stay as to the subject collateral because it is not being administered by the Chapter 7 trustee who has filed a "no distribution" report, debtor is delinquent at least 3 prepetition and 1 postpetition car payments as of the filing date of the motion and there is only a 4.24% equity cushion in the collateral which is declining due to failure to make payments and depreciation. On 12/21/20, debtor filed a response to the motion stating that he wants to retain the vehicle and wants additional time to make arrangements to cure the default. It is not clear whether debtor is requesting that the hearing on the motion for stay relief be continued or stay relief not be granted now. No tentative ruling on waiving the 14-day waiting period under FRBP 4001(a)(3).

Appearances are required on 1/5/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Constantin Zubin

Represented By
Elena Steers

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 19, 2021

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11:00 AM

2:12-16195 David Alan Wilson

Chapter 7

Adv#: 2:12-01317 McKnew, Thomas I. IV et al v. Wilson

#6.00 Cont'd hearing re: Application for third person witness judgment debt examination of Michelle Wilson on behalf of American General Corporation fr. 10/13/20, 12/2/20

Docket 571

Tentative Ruling:

Appearances are required on 1/19/21 for the witness for the third person judgment debtor examination to comply with the examination order and to be sworn in for the examination, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Tuesday, January 19, 2021

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11:00 AM

CONT... David Alan Wilson

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

David Alan Wilson

Represented By
Michael N Nicastrò
Christina M Chan
Eryk R Escobar

Defendant(s):

David A Wilson

Represented By
Jon-Michael A Marconi
James Andrew Hinds Jr
David Samuel Shevitz
Christopher A Dias

Plaintiff(s):

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretziàn
Rachel M Sposato

Lisa A McKnew

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretziàn

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CONT... David Alan Wilson

Chapter 7

Rachel M Sposato

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 19, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#7.00 Cont'd hearing re: Motion for relief from stay
(U.S. Bank Trust National Association VS Debtor)
fr. 9/17/19, 11/10/20, 12/15/20

Docket 65

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court notes that movant filed a declaration re: default under adequate protection order and lodged a proposed stay relief order on 1/11/21, but then, filed a withdrawal of the proposed stay relief order on 1/12/21. Does this mean that the parties have reached a consensual resolution of the motion? Otherwise, no tentative ruling on the merits. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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11:00 AM

CONT...

Samuel Marquez

Chapter 11

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 12/14/20. No tentative ruling on the merits. Movant to address any impact of the current federal and state eviction moratoriums on the request for relief. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. No tentative ruling on the merits. Appearances are required on 11/10/20, but counsel and self-represented parties must appear by telephone.

Prior 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.

Party Information

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
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Hearing Room 1675

1:30 PM

2:10-15066 Bander Law Firm, LLP

Chapter 7

#8.00 Hearing re: Application for payment of unclaimed funds in the amount of \$14,190.00

Docket 173

Tentative Ruling:

Deny application for payment of unclaimed funds for lack of proof of identity that applicant is the claimant entitled to the unclaimed funds as applicant has failed to file the declaration demonstrating proof of identity as ordered by the court in its order filed and entered on 11/20/20. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall

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1:30 PM

CONT... Bander Law Firm, LLP

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Bander Law Firm, LLP

Represented By
Timothy F Umbreit
Zev Shechtman

Trustee(s):

Richard K Diamond (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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1:30 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#9.00 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. 10/28/20, 12/2/20, 12/16/20

Docket 118

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court has reviewed the joint pretrial stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections

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CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Prior tentative ruling as of 7/31/20. Since discovery as extended ended on

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CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**CONT... Ayers Bath (U.S.A.), Co.,Ltd.
894-3385.**

Chapter 7

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, January 19, 2021

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1:30 PM

2:18-21855 Michael Richard Shapiro
Adv#: 2:19-01009 Vechery v. Shapiro

Chapter 7

#10.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 8/4/20, 11/17/20, 12/15/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. Off calendar. The court has reviewed the joint status report. In light of the recently filed amended complaint and answer thereto, the substitution of counsel for plaintiffs and the lack of recollection that the counsel ever conducted a LBR 7026-1 meeting, the court orders that the counsel conduct a LBR 7026-1 meeting within the next three weeks, file an updated joint status report on 2/9/21 and appear for a further status conference on 2/16/21 at 1:30 p.m. No appearances are required on 1/19/21 as the court continues the status conference to 2/16/21 at 1:30 p.m.

Revised and updated tentative ruling as of 8/3/20. The court has reviewed plaintiff's unilateral statement for the status conference filed on 8/3/20. Apparently, the mediation has not yet been conducted. According to plaintiff in his statement, he believes that an in person mediation would be more successful than one by videoconference, but defendant is not willing to have an in person mediation in light of current pandemic conditions, suggesting that the parties be allowed to complete an in person mediation by February 2021, assuming the pandemic subsides. Since the statement was unilateral, the court will hear from both parties as to the status of the pending mediation and the scheduling of further proceedings, including whether plaintiff intends to further amend the complaint as stated in its motion to extend discovery deadlines filed on 6/30/20. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 4/27/20. The court has reviewed plaintiff's unilateral status report and defendant's joinder and grants joint request to continue scheduling dates as follows: (1) discovery cutoff date extended from 3/31/20 to 6/30/20; (2) status report filing due date extended from 4/21/20 to

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

Hearing Room 1675

1:30 PM

CONT... Michael Richard Shapiro

Chapter 7

7/28/20; (3) status conference continued from 4/28/20 at 1:30 p.m. to 8/4/20 at 1:30 p.m.; and (4) mediation completion deadline extended from 4/28/20 to 8/4/20. Plaintiff to lodge a proposed updated scheduling order within 7 days.

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
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, January 19, 2021

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

#11.00 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. 4/28/20, 8/4/20, 10/27/20

Docket 1

***** VACATED *** REASON: Cont'd from 1/19/21 to 2/2/21 at 2:30 p.m.
per stip & order entered on 1/5/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 2/2/21 at 2:30 p.m. No appearances are required on 1/19/21.

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
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Tuesday, January 19, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#12.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 8/4/20, 10/27/20, 11/17/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. Plaintiff must report on the status of his efforts to file a motion for default judgment as he has been intending to file such motion for about a year. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

1:30 PM

CONT...

Dean Henrik Okland

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/13/20. No tentative ruling on the merits. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Prior tentative ruling as of 10/22/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment by 11/10/20. Based on this representation, the court on its own motion continues the status conference to 11/17/20 at 1:30 p.m. to allow additional time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 10/27/20.

Prior tentative ruling as of 7/31/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment, but the gathering of documents in support thereof is taking longer than anticipated in light of the current situation, though he is hopeful that the motion can be filed within 60 days. Based on these representations, the court on its own motion continues the status conference to 10/27/20 at 1:30 p.m. to allow time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 8/4/20.

Prior tentative ruling as of 5/22/20. Appearances are required on 5/26/20 to discuss the status of plaintiffs motion for default judgment and when other further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. The court has reviewed plaintiff's unilateral status report filed on 3/16/20, stating that he will be filing a motion for default judgment shortly. The court on its own motion continues the status conference for about 60 days to 5/26/20 at 1:30 p.m. to allow time for plaintiff to prepare and file his motion for default judgment. No

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CONT... Dean Henrik Okland

Chapter 7

appearances are required on 3/31/20.

Prior 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.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Pro Se

Plaintiff(s):

Chuck Dorfman

Represented By
David S Hagen

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, January 19, 2021

Hearing Room 1675

1:30 PM

2:20-20251 Anthony Padilla Cordova

Chapter 7

#13.00 Order to show cause why debtor failed to file a Certificate of Credit Counseling

Docket 13

Tentative Ruling:

No tentative ruling as of 1/15/21. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, January 19, 2021

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1:30 PM

CONT... Anthony Padilla Cordova

Chapter 7

connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Anthony Padilla Cordova	Pro Se
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Trustee(s):

Sam S Leslie (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

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

- #14.00** Pretrial conference by ZOOM 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. 6/16/20, 8/4/20, 9/30/20

Docket 1

Tentative Ruling:

As set forth in the court's order of 10/20/20, on January 19, 2021 at 2:00 p.m., the court will hold a Pre-Trial Technical Status Conference for the purpose of testing both the telephonic and videoconferencing technologies. At least one representative for each party must participate in the Pre-Trial Technical Status Conference. All participants are to conduct the pre-hearing testing from their intended location on the day of the trial. All participants are admonished not to discuss the substance of the trial at the Pre-Trial Technical Status Conference, but instead limit their comments to the functionality of the technology and any procedural matters that relating to the technology. The Pre-Trial Technical Status Conference will be conducted via Zoom for Government. Participants in the Pre-Trial Technical Status Conference will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1619391174>
and insert Meeting ID: 161 939 1174 and Password: 373608.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 939 1174 and Password: 373608.

Appearances are required on 1/19/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

2:00 PM

CONT... People Who Care Youth Center, Inc.

Chapter 11

Party Information

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
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

#15.00 Cont'd hearing re: Motion of chapter 7 trustee for summary judgment against George Shemtov
fr. 12/1/20

Docket 29

***** VACATED *** REASON: Cont'd from 1/19/21 to 3/9/21 at 2:30 p.m.
per stip & order entered on 1/14/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 3/9/21 at 2:30 p.m. No appearances are required on 1/19/21.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

George Shemtov

Represented By
Keith F Rouse

Movant(s):

David M. Goodrich

Represented By
Faye C Rasch

Plaintiff(s):

David M. Goodrich

Represented By
Faye C Rasch

Trustee(s):

David M Goodrich (TR)

Represented By
Faye C Rasch
Beth Gaschen

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Central District of California
Los Angeles
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2:30 PM

CONT...

SOCALDEAL INC

Weiland Golden Goodrich LLP

Chapter 7

**United States Bankruptcy Court
Central District of California
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

- #16.00** 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. 8/18/20, 11/10/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court has reviewed the joint status report. The court also notes that the hearing on plaintiff's pending summary judgment motion is continued to 3/9/21 at 2:30 p.m. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021,

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2:30 PM

CONT... **SOCALDEAL INC**

Chapter 7

CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

George Shemtov

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, January 19, 2021

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2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01277 Goodrich v. Shemtov

- #17.00** 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. 8/18/20, 11/10/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

CONT... **SOCALDEAL INC**

Chapter 7

parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Jack Shemtov

Pro Se

Plaintiff(s):

David M. Goodrich

Represented By

**United States Bankruptcy Court
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2:30 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
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Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01278 Goodrich v. Shemtov

#18.00 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. 8/18/20, 11/10/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for

**United States Bankruptcy Court
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CONT...

SOCALDEAL INC

Chapter 7

parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Najid Shemtov

Pro Se

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

Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01279 Goodrich v. Shemtov

- #19.00** 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. 8/18/20, 11/10/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

CONT...

SOCALDEAL INC

Chapter 7

parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Rojeh Shemtov

Pro Se

**United States Bankruptcy Court
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CONT... SOCALDEAL INC

Chapter 7

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

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2:30 PM

2:19-11111 Eraina Marie Schoenfeld

Chapter 7

#20.00 Hearing re: Chapter 7 trustee's motion for authority to compromise controversy with debtor regarding the disposition of estate's interest in certain real property (1042 Stephanie Court, Lancaster, CA 93535)

Docket 35

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the trustee's motion for authority to compromise controversy with debtor regarding the disposition of the estate's interest in certain real property, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants the motion for the reasons stated in the moving papers and for lack of timely written opposition. No appearances are required on 1/19/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Eraina Marie Schoenfeld

Represented By
David Lozano

Trustee(s):

Sam S Leslie (TR)

Represented By
Carolyn A Dye

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#21.00 Hearing re: Motion to set aside default and motion for permission to use cash collateral to pay mortgage holder

Docket 30

***** VACATED *** REASON: Cont'd from 1/19/21 to 2/2/21 at 2:30 p.m.
per order entered on 1/4/21-st**

Tentative Ruling:

Off calendar. Continued to 2/2/21 at 2:30 p.m. by order entered on 1/4/21.
No appearances are required on 1/19/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Represented By
Andrew Edward Smyth

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#22.00 Hearing re: Motion to set aside default

Docket 29

***** VACATED *** REASON: Cont'd from 1/19/21 to 2/2/21 at 2:30 p.m.
per order entered on 1/4/21-st**

Tentative Ruling:

Off calendar. Continued to 2/2/21 at 2:30 p.m. by order entered on 1/4/21.
No appearances are required on 1/19/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Represented By
Andrew Edward Smyth

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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
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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

2:20-19034 Devin Jefferson

Chapter 7

#23.00 Hearing re: Motion of the United States trustee for extension of deadline date for filing a complaint objecting to debtor's discharge under 11 U.S.C. Section 727 and/or motion to dismiss under Section 707(b)

Docket 13

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the United States Trustee's motion for extension of deadline date for filing a complaint objecting to debtor's discharge under 11 U.S.C. 727 and/or motion to dismiss under section 707(b), the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants the motion for the reasons stated in the moving papers and for lack of timely written opposition. In granting the motion, the court waives the requirements for lodging periods imposed by the Local Bankruptcy Rules and other rules and the stay on enforcement of the order imposed by FRBP 6004(h) and any other applicable rules. No appearances are required on 11/10/20. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Devin Jefferson

Pro Se

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 1675

2:30 PM

2:20-19977 LN Ventures, LLC

Chapter 7

#24.00 Hearing re: Motion to convert case from Chapter 7 to 11

Docket 22

Tentative Ruling:

The court is inclined to grant the motion for the reasons stated in the reply to the opposition of PS Funding, Inc., as PS Funding has been granted stay relief as to its collateral, and may not have an interest in continuing to oppose conversion as it may proceed with its nonbankruptcy remedies to enforce its lien against the collateral. Debtor has negotiated an adequate protection stipulation with its other secured lender and intends to complete a sale or refinance the loan with that lender to realize value in the real property asset securing that loan, and thus, has a good faith purpose to reorganize. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than

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2:30 PM

CONT... LN Ventures, LLC

Chapter 7

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

LN Ventures, LLC

Represented By
Omero Banuelos

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#24.10 Hearing re: Motion to compel discovery and court-ordered mediation and for sanctions

Docket 16

Tentative Ruling:

No tentative ruling will be issued on the motion heard on shortened notice. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Tuesday, January 19, 2021

Hearing Room 1675

2:30 PM

CONT... Richard Ochoa Telles

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

3:00 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#25.00 Order to show cause why Eui Joon Park should not be held in contempt for failing to produce documents

Docket 36

Tentative Ruling:

No tentative ruling as of 1/15/21. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Judge Robert Kwan, Presiding
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Tuesday, January 19, 2021

Hearing Room 1675

3:00 PM

CONT... Eui Joon Park

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
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Tuesday, January 19, 2021

Hearing Room 1675

3:00 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#26.00 Cont'd hearing re: Motion for Order to Show Cause Why Jae H. Chong Should Not Be Held in Contempt for Failing to Produce Documents fr. 1/6/21

Docket 23

Tentative Ruling:

No tentative ruling as of 1/15/21. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Tuesday, January 19, 2021

Hearing Room 1675

3:00 PM

CONT... Eui Joon Park

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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Tuesday, January 19, 2021

Hearing Room 1675

3:00 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#27.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 8/4/20, 1/12/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. No tentative ruling on the merits. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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3:00 PM

CONT...

Richard Ochoa Telles

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By

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3:00 PM

CONT...

Richard Ochoa Telles

Steven Werth

Chapter 7

**United States Bankruptcy Court
Central District of California
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Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case
fr. 12/11/19, 6/10/20, 9/9/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court notes that the United States Trustee has filed a motion to dismiss or convert. No tentative ruling on the merits. Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Dowent Family LLC

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/4/20. No tentative ruling on the merits. Appearances are required on 9/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/8/20. No tentative ruling on the merits. Appearances are required on 6/10/20 to discuss status of pending state court litigation regarding estate's negligence claims against its former real estate broker, but counsel and self-represented parties must 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
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Los Angeles
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Wednesday, January 20, 2021

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. 7/22/20, 10/21/20, 10/28/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. Off calendar. The court on its own motion continues the status conference to 2/10/21 at 11:30 a.m. to be conducted on the order to show cause why this case should not be converted to Chapter 7. No appearances are required on 1/20/21.

Prior tentative ruling as of 10/26/20. The court will call this matter no earlier than 11:30 a.m. because the matters in this case will require extended hearing and there are already many other matters on the 11:00 hearing calendar. No tentative ruling on the merits. Appearances are required on 10/28/20, but counsel and self-represented parties must 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
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Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

2:17-15033 Shapphire Resources, LLC

Chapter 11

#3.00 Cont'd hearing re: Disclosure statement
fr. 7/22/20, 9/16/20, 11/18/20

Docket 164

Tentative Ruling:

Updated tentative ruling as of 1/19/21. The court notes that movant failed to serve a judge's copy of the moving papers in violation of LBR 5005-2(d). The proof of service of the moving papers state that service of the judge's copy is "temporarily suspended under General Order 20-02." The moving papers which exceed 25 pages in length do not qualify for the exception under General Order 20-02, filed on 3/19/20, as amended by Amended General Order 20-06, filed on 9/11/20. To avoid sanctions for noncompliance with LBR 5005-2(d), counsel for movant is ordered to read LBR 5005-2(d) and General Order 20-02 and Amended General Order 20-06 and certify in a declaration under penalty of perjury filed with the court that he will comply with such requirements and that he has so instructed all members of his staff that they will comply with such requirements.

Otherwise, no tentative ruling on the merits. Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone

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11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/16/20. Sustain objections of creditor U.S. Bank N.A. as trustee and deny approval of amended disclosure statement for the reasons stated in the objections. Debtor has not properly challenged the amount of the secured claim or lien of U.S. Bank valued in the proof of claim at \$1.2 million, which is prima facie correct pursuant to FRBP 3001(f), through an objection to the secured claim in excess of the proposed value of \$750,000 in the disclosure statement pursuant to FRBP 3007, a motion to value secured claim under FRBP 3012 or an adversary proceeding to determine validity, priority or extent of lien pursuant to FRBP 7001(2). The disclosure statement contains no admissible valuation evidence to support debtor's valuation of the collateral subject to U.S. Bank's lien at \$750,000, and according to creditor, debtor has failed to cooperate with the creditor's attempts to conduct an independent appraisal of the property. Also, the plan is patently unconfirmable since the priority tax claims must be paid within 5 years of the petition date or order for relief on 4/27/22 pursuant to 11 U.S.C. 1129(a)(9)(C), which is about 15 months from now, and the plan proposes to pay such claims off in 28 months.

Appearances are required on 11/18/20, but counsel and self-represented parties must appear by telephone.

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

Prior tentative ruling as of 9/15/20. Off calendar. Continued by stipulation and order to 11/18/20 at 11:00 a.m. No appearances are required on 9/15/20.

Prior tentative ruling as of 6/2/20. Off calendar. Continued by stipulation between debtor and secured creditor MTGLQ Investors, LP, and order to 7/22/20 at 11:00 a.m. to allow these parties some additional time to negotiate consensual plan treatment of the secured claim. Counsel for debtor must notify by email or phone counsel for secured creditors MTGLQ and U.S. Bank, Mr. Garan and Ms. Weifenbach, of the continuance.

Prior tentative ruling as of 5/28/20.

Deny approval of amended disclosure statement for failure to contain adequate information.

Regarding creditor MTGLQ Investors, LP's objection to debtor's disclosure statement, the court has the following comments. Regarding the sufficiency of debtor's organizational status, debtor should address creditor's contention that it is not in active organizational status as a Utah limited liability company. Regarding its objection to Option 1, the treatment there is only an option and apparently offered to incentivize that creditor with a higher interest rate and valuation of the secured claim. However, it is only an alternative as the default is Option 2, which is the proposed treatment of the claim, which does not eliminate the unsecured claim in violation of due process of law.

Regarding creditor's objection to Option 2, debtor argues that it may proceed under the "new value" exception to the absolute priority rule, and whether the proposed new value is sufficient to qualify for the exception is probably an issue for plan confirmation. See *In re Ambanc La Mesa Ltd. Partnership*, 115 F.3d 650, 654-655 (9th Cir. 1997). As to the proposed payout of unsecured claims over 90 calendar quarters, or 22.5 years, the issue is also probably a plan confirmation issue. If a creditor objects, it is highly unlikely that the court would overrule the objection because 22.5 years is unreasonably long for unsecured creditors to be paid. If there were no objection, the creditors could consent to such treatment by voting in favor of the plan. In the court's view, debtor has an uphill battle to demonstrate a payout longer than 5 years on

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

unsecured claims is fair and equitable, especially since this case has been pending for almost four years, resulting in a wait of almost nine years for unsecured creditors to be paid in this case.

Regarding the value of the Cold Plains property, there is apparently a dispute regarding valuation of the property and creditor's secured claim. The parties should advise whether they agree to a value or if there will be a factual dispute over valuation of the property and the secured claim. If there is going to be a dispute over the value of the secured claim, the court will require debtor to file a motion to value the secured claim under FRBP 3012 or an adversary proceeding pursuant to FRBP 7001 rather than litigating value through plan confirmation proceedings.

Regarding the creditor's objection to the reduction of creditor's secured claim by the amount of the adequate protection payments, the creditor is correct in asserting that creditor should be given credit for the rental income on the property under 11 U.S.C. 552(b) and the holding of *In re Ambanc La Mesa Ltd. Partnership*, 115 F.3d at 654, though debtor is correct in asserting that the adequate protection payments reduce the amount of the secured claim pursuant to 11 U.S.C. 361(1) as creditor is undersecured and cannot claim postpetition interest as part of its secured claim. See also, *United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 372-374 (1988). If debtor does not give credit to creditor on calculating its secured claim for the postpetition rental income contrary to *Ambanc La Mesa*, such would be grounds for denial of confirmation as not treating the dissenting secured class fairly and equitably, and would make the plan patently unconfirmable to warrant disapproval of the disclosure statement on the merits. See *In re Arnold*, 471 B.R. 578, 586 (Bankr. C.D. Cal. 2012).

Regarding the adequacy of the financial information for the disclosure statement, the court agrees with creditor's objection that the financial information provided is skimpy and inadequate. The income and expense statement is deficient because there is no information of expenses and there is no historical information of income and expenses. Appending bank statements and monthly operating reports is not an adequate substitute for providing historical information of income and expenses and reasonable future projections of income and expenses, which should be presented on a

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

Wednesday, January 20, 2021

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11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

spreadsheet form, at least, two years back and five years forward.

The court will grant limited amount of time to debtor to further amend the disclosure statement to address these concerns, or may soon issue an order to show cause re: dismissal, given the lack of apparent progress in confirming plan in this case.

Appearances are required on 6/3/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is currently closed to the public by orders of the United States District Court for the Central District of California and this court and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

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, January 20, 2021

Hearing Room 1675

11:00 AM

2:17-15033 Shapphire Resources, LLC

Chapter 11

#4.00 Cont'd status conference re: Management of chapter 11 case
fr. 7/22/20, 9/16/20, 11/18/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court notes that debtor has filed a motion for final decree, which is pending. Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/17/20. The court has reviewed debtor's status report filed on 11/16/20, stating that it is committed to obtaining a consensual resolution of the dispute with the secured creditor U.S. Bank, N.A., as trustee, regarding plan treatment, and requesting a 60 day continuance of the status conference and disclosure statement hearing. The court will consider this request after hearing from the parties.

As stated in the original tentative ruling for the status conference on 11/18/20, due to the lack of progress in confirming a reorganization plan in this case, filed on 4/27/17, over 3.5 years ago, the court is considering issuing an order to show cause why this case should not be dismissed for substantial or continuing loss or diminution of the estate and the absence of a reasonable likelihood of rehabilitation pursuant to 11 U.S.C. 1112(b)(4)(A) or issuing an order setting a deadline for confirming the plan and dismissal of the case for failure to meet the deadline pursuant to 11 U.S.C. 1112(b)(4)(J) as the case has been pending for over 3.5 years without an approved disclosure statement or confirmed plan. Appearances are required on 11/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/11/20. No tentative ruling on the merits. Appearances are required on 9/16/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/2/20. Off calendar. Continued by stipulation between debtor and secured creditor MTGLQ Investors, LP, and order to 7/22/20 at 11:00 a.m. to allow these parties some additional time to negotiate consensual plan treatment of the secured claim. Counsel for debtor must notify by email or phone counsel for secured creditors MTGLQ and U.S. Bank, Mr. Garan and Ms. Weifenbach, of the continuance.

Party Information

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Shapphire Resources, LLC

Chapter 11

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, January 20, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#5.00 Hearing re: Second interim and final final fee application of Foley & Lardner LLP for allowance of compensation and reimbursement of expenses for the second interim period of January 1, 2019 through and including November 30, 2020 and the final fee period from May 1, 2018 through November 30, 2020

Docket 261

***** VACATED *** REASON: Cont'd from 1/20/21 to 2/17/21 at 11:00 a.m.
per order entered on 1/14/21-mb.**

Tentative Ruling:

Off calendar. Continued to 2/17/21 at 11:00 a.m. by order entered on 1/14/21. No appearances are required on 1/20/21.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

2:18-12224 Raesi Group, Inc

Chapter 11

#6.00 Cont'd status conference re: Post confirmation of chapter 11 plan
fr. 6/10/20, 8/4/20, 9/30/20

Docket 82

Tentative Ruling:

Updated tentative ruling as of 1/15/21. The court notes that debtor has filed a motion for final decree, which is pending. No tentative ruling on the merits. Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, January 20, 2021

Hearing Room 1675

11:00 AM

CONT... Raesi Group, Inc

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, January 20, 2021

Hearing Room 1675

1:30 PM

2:18-11475 Catherine Trinh

Chapter 11

#7.00 Hearing re: Confirmation of plan
fr. 9/9/20, 10/14/20, 11/18/20

Docket 478

***** VACATED *** REASON: Cont'd from 1:30 p.m. to 3:00 p.m. on
1/20/21 per notice filed on 1/7/2021-mb.**

Tentative Ruling:

This matter will be heard on the 3:00 p.m. hearing calendar, and not at 1:30 p.m. Appearances are required at 3:00 p.m., and counsel and self-represented parties should appear at that time.

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, January 20, 2021

Hearing Room 1675

1:30 PM

2:18-11475 Catherine Trinh

Chapter 11

#8.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/9/20, 10/14/20, 11/18/20

Docket 1

***** VACATED *** REASON: Cont'd from 1:30 p.m. to 3:00 p.m. on
1/20/21 per notice filed on 1/7/2021-mb.**

Tentative Ruling:

This matter will be heard on the 3:00 p.m. hearing calendar, and not at 1:30 p.m. Appearances are required at 3:00 p.m., and counsel and self-represented parties should appear at that time.

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, January 20, 2021

Hearing Room 1675

3:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#9.00 Hearing re: Confirmation of plan
fr. 9/9/20, 10/14/20, 11/18/20

Docket 478

Tentative Ruling:

Updated tentative ruling as of 1/18/21. No tentative ruling on the merits.

Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, January 20, 2021

Hearing Room 1675

3:00 PM

CONT...

Catherine Trinh

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/16/20. Having reviewed the fourth amended disclosure statement and plan, the court has a number of changes to correct typographical and style errors and to clarify terms: (1) references to sections of the Bankruptcy Code, 11 U.S.C., should be to "11 U.S.C.", not just the section symbols; (2) references to the Federal Rules of Bankruptcy Procedure should be spelled out, not just "Bankruptcy Rules," which could also refer to the Local Bankruptcy Rules; (3) references to "C.C.P." should be spelled out, i.e., California Code of Civil Procedure; (4) references to debtor's real estate assets should not just be to a street address without reference to the city and should be to "real property at 325 W. Las Flores Ave., Arcadia, California," for example; (5) the amount owed to debtor's bankruptcy counsel, Fredman Lieberman Pearl LLP of "\$500,0000 est." has an extra zero; (6) "Admin" in Non-Professional Admin Claim" should be spelled out as "Administrative"; (7) regarding Retention of Jurisdiction in Plan, Section V.H, delete last sentence of section, otherwise, the ability of the debtor or plan trustee to request reopening of the case may be unduly restricted; (8) regarding Discharge, Plan, Section VI.A, debtor needs to explain the legal authority for discharge of debtor upon the effective date if all creditors voting on the plan vote to accept the plan since such language does not appear to be compatible with 11 U.S.C. 1141(d)(5)(A) providing that the court may grant a discharge upon the completion of payments. Appearances are required on 11/18/20, but counsel and self-represented parties must 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, January 20, 2021

Hearing Room 1675

3:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#10.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/9/20, 10/14/20, 11/18/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 1/15/21. No tentative ruling on the merits. Appearances are required on 1/20/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, January 20, 2021

Hearing Room 1675

3:00 PM

CONT... Catherine Trinh

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, January 21, 2021

Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#1.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 3/31/20, 5/5/20, 6/30/20

Docket 1

***** VACATED *** REASON: Cont'd from 1/21/2021 to 2/2/2021 at 1:30
p.m. per notice filed on 1/12/2021-mb.**

Tentative Ruling:

Updated tentative ruling as of 1/14/21. Off calendar. Continued to 2/2/21 at 1:30 p.m. because erroneously calendared for 1/21/21. No appearances are required on 1/21/21.

Prior tentative ruling. The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

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

Thursday, January 21, 2021

Hearing Room 1675

1:30 PM

CONT... MINSEOK LEE

Chapter 7

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, January 26, 2021

Hearing Room 1675

11:00 AM

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: Motion to: (A) Extend Expert Discovery Deadlines; and (B) Schedule Hearing on Request to Strike Portions of Plan Agent's Expert Report fr. 12/17/20, 1/7/21, 1/13/21

Docket 805

Tentative Ruling:

No updated tentative ruling as of 1/21/21. No tentative ruling on the merits.

Appearances are required on 1/26/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Tuesday, January 26, 2021

Hearing Room 1675

11:00 AM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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
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Defendant(s):

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 Ronald Rus Fahim Farivar Brian L Davidoff Keith Patrick Banner

Jennifer Kellen

Represented By

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

Tuesday, January 26, 2021

Hearing Room 1675

11:00 AM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Tuesday, January 26, 2021

Hearing Room 1675

11:00 AM

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.

#2.00 Cont'd hearing re: Motion of plan agent for leave to amend sixth amended complaint fr. 12/17/20, 1/7/21, 1/13/21

Docket 808

Tentative Ruling:

No updated tentative ruling as of 1/21/21. Appearances are required on 1/26/21, and counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

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CONT... Art and Architecture Books of the 21st Century

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Revised tentative ruling as of 1/13/21.

In this case, if plaintiff's motion to amend the sixth amended complaint to bring additional claims regarding transfers made by the debtor during the four to seven year period before the petition date is granted, this will of necessity affect the existing deadlines of the amended scheduling order in this matter. Defendants will have to prepare a defense as to an expanded claim based on these additional transfers, and therefore, Federal Rule of Civil Procedure 16(b)(4) requires plaintiff as the moving party to show "good cause" before being granted leave to amend the pleadings, in addition to the showing required under Federal Rule of Civil Procedure 15. *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000).

To establish "good cause," plaintiff as the party seeking modification of a scheduling order must generally show that, even with the exercise of due diligence, he cannot meet the deadlines of the existing scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). In determining "good cause," courts consider: (1) the explanation for the failure to timely move for leave to amend; (2) the importance of the amendment; (3) potential prejudice in allowing the amendment; and (4) whether a continuance would cure such prejudice. Phillips and Stevenson, Rutter Group Practice Guide, Federal Civil Procedure Before Trial, Ninth Circuit and California Edition, ¶ 15.30.2, citing *Southwestern Bell Tel. Co. v. City of El Paso*, 346 F.3d 541, 546 (5th Cir. 2003) (involving amendment of pleadings); *Squyres v. Heico Cos., L.L.C.*, 782 F.3d 224, 237(5th Cir. 2015) (parties' "self-imposed" agreement to delay discovery did not establish "good cause" for continuance); *Tesone v. Empire Marketing Strategies*, 942 F.3d 979, 988-989 (10th Cir. 2019) (no good cause to modify order where plaintiff did not show diligent efforts to comply with expert disclosure deadline and gave no explanation for belated motion). Considering these criteria, plaintiff's explanation for not moving for leave to amend earlier is that his expert witness did not learn of the

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potential claim until she completed her forensic accounting report in October 2020, and plaintiff could not plausibly allege an amended claim as to these additional transfers before that time. The importance of the amendment is demonstrated here because the amended claim would increase the value of its claim by around \$12 million. The potential prejudice in allowing the amendment is that defendants have been preparing their defense of the action based on the claim asserting transfers within the time period of 0 to 4 years prepetition and would have to take discovery and otherwise prepare a defense for transfers during an additional three year period, from four to seven years prepetition. A continuance of the pretrial schedule would largely address such prejudice.

Even if "good cause" exists for modifying the scheduling order under Rule 16(b), the court still has discretion to refuse the amendment if it finds reasons for denying leave to amend under FRCP 15(a) (i.e., unreasonable delay, bad faith, futile amendment). Rutter Group Practice Guide, Federal Civil Procedure Before Trial, Ninth Circuit and California Edition, ¶15.32.1, citing, *Sullivan v. Leor Energy, LLC*, 600 F.3d 542, 551 (5th Cir. 2010); see also *Trim Fit, LLC v. Dickey*, 607 F.3d 528, 531 (8th Cir. 2010) (court may deny motion based on undue prejudice to other party); *Bradford v. DANA Corp.*, 249 F.3d 807, 809 (8th Cir. 2001).

Defendants assert that the proposed amendment of the Sixth Amended Complaint raises new claims not previously raised in prior complaints and results from unreasonable delay, bad faith and/or futile amendment, which constitutes great prejudice to Defendants to prepare defenses to any new claims at this late stage of the litigation. Defendant Cathay Bank contends that the existing and prior complaints do not give fair notice of plaintiff's new claims to meet the particularity requirements for pleading under FRCP 8(a)(2), citing this court's decision in *Avery v. Leya Technologies (In re Prototype Engineering)* 2019 WL 9243004 (Bankr. C.D. Cal. 2019).

Contrary to Cathay Bank's contention, it appears that plaintiff did in the operative Sixth Amended Complaint make factual allegations to support at least some actionable portion of the expanded claim as proposed in the motion to amend. Specifically, the Plan Agent's allegations in paragraphs 37-38, 58-59, and Exhibit 5 to the Sixth Amended Complaint allege in some

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particularity the dates, amounts, source, and transferee of transfers made by or on behalf of the Debtor during the four to seven year period prepetition.

The court notes that its decision in Prototype cited the case of *Beskronne v. OpenGate Capital Group (In re Pennysaver USA Publishing, LLC)*, 587 B.R. 445 (Bankr. D. Del. 2018), wherein the court held that the plaintiff trustee sufficiently pleaded a constructive fraudulent transfer claim under the California Uniform Fraudulent Transfer Act, California Civil Code, § 3439.05, and other applicable law, by alleging that the transfer was for less than reasonably equivalent value at a time when debtors were insolvent. As noted by Cathay Bank, the court discussed in Prototype that "The courts have generally determined that constructive fraudulent transfer claims are adequately pleaded under Federal Rule of Civil Procedure 8(a)(2) when certain elements, such as the "dates, amounts, source, and transferee of each alleged transfer[.]" are alleged. *In re Pennysaver USA Publishing, LLC*, 587 B.R. at 456."

Paragraph 37: The Museum Lease provided for base rent starting at \$100,000 each month. Documents produced by or on behalf of 400 S. La Brea show that the first \$2,940,668.72 in rent, property taxes, late fees, and related charges, that was paid under the terms of the Museum Lease, from its execution through to July 2009, were paid by or on behalf of the Debtor into 400 S. La Brea's checking account at Cathay Bank (the "Cathay Account"), even though the Museum Premises remained an empty shell of a building, and even though the Debtor received no value in return for paying Christmas' rental obligations on the Museum Lease. See Exhibit 5.

Paragraph 38: In December 2008, in addition to paying rent, the Debtor paid \$112,523.99 into the Cathay Account in satisfaction of property taxes due on the Museum Premises and Sycamore Lot. One month later, in January 2009, the Debtor paid another \$69,270.50 into the Cathay Account to bring property taxes current. Six months later, the Debtor wired another \$132,667.96 into the Cathay Account for property taxes on the Museum Premises and Sycamore Lot.

Paragraph 58 and 59: When Ace Museum executed the Assignment in 2009,

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and the Debtor began providing the funds for payment of Ace Museum's rent, the Debtor was already insolvent. The Debtor's tax returns for its fiscal years of 2008, 2009 and 2010 show ongoing operational losses:

2008 (June 2008 to May 2009) - Net loss of \$-1,489,559

2009 (June 2009 to May 2010) - Net loss of \$-4,833,371

2010 (June 2010 to May 2011) - Net loss of \$-1,702,246

Throughout this period, the Debtor had no excess funds of its own to use for payment of Ace Museum's rent. Instead, the Debtor borrowed money on top of an already crushing debt load. The Debtor's tax return for 2008 showed total long-term and short-term loan debt of more than \$7.7 million. By the time it filed its 2009 return, the Debtor's long-term and short-term loan debt was more than \$11.6 million, while its 2010 return shows long-term and short-term loan debt of more than \$12 million.

Further, the court notes that Exhibit 5 to the Sixth Amended Complaint, which was provided by 400 S. La Brea to the Plan Agent in discovery, includes the date, amount, and transferee information for rent payments to 400 S. La Brea from December 28, 2007 and thereafter; i.e. at least seven payments in the four to seven year period prepetition.

Accorindgly, the proposed amendment would clarify that the plan agent is asserting an actionable claim based on specific allegations already in the existing complaint that the plan agent, and thus, there should be no unfair surprise to allow such amendment for alleged fraudulent transfer while allegedly insolvent back to June 2008. Grant motion in part, deny in part, and allow amendment of constructive fraud claim in third claim for relief in the existing complaint.

Appearances are required on 1/13/21, but counsel and self-represented parties must appear by telephone.

Party Information

**United States Bankruptcy Court
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Los Angeles
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11:00 AM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

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
Jonathan Seligmann Shenson

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
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

**United States Bankruptcy Court
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CONT... Art and Architecture Books of the 21st Century Chapter 11

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, January 26, 2021

Hearing Room 1675

1:30 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#3.00 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. 12/2/20, 12/16/20, 1/19/21

Docket 118

Tentative Ruling:

Updated tentative ruling as of 1/25/21. The court has approved the stipulation of the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections

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CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

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**

Thursday, January 28, 2021

Hearing Room 1675

9:00 AM

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

#1.00 TRIAL BY ZOOM: 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. 8/4/20, 9/30/20, 1/19/21

Docket 1

Tentative Ruling:

The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 1/28/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

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

Thursday, January 28, 2021

Hearing Room 1675

9:00 AM

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**

Friday, January 29, 2021

Hearing Room 1675

9:00 AM

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

#1.00 CONT'D TRIAL BY ZOOM: 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. 8/4/20, 9/30/20, 1/19/21, 1/28/21

Docket 1

Tentative Ruling:

Off calendar. Continued to 2/18/21 at 9:00 a.m. The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are not required on 1/29/21, but required on 2/18/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

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**

Friday, January 29, 2021

Hearing Room 1675

9:00 AM

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, February 2, 2021

Hearing Room 1675

10:30 AM

2:20-19578 Nikolas Arthur Yabra

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(Exeter Finance LLC VS Debtor)

Docket 10

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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. No appearances are required on 2/2/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Nikolas Arthur Yabra

Represented By
Steven A Alpert

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 2, 2021

Hearing Room 1675

10:30 AM

2:20-20990 Glenda Xiomara Rivas

Chapter 7

#2.00 Hearing re: Motion for relief from stay
(TD Auto Finance LLC VS Debtor)

Docket 8

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants 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. No appearances are required on 2/2/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Glenda Xiomara Rivas

Represented By
Daniel King

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 2, 2021

Hearing Room 1675

10:30 AM

2:20-19823 Constantin Zubin

Chapter 7

#2.10 Cont'd hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)
fr. 1/5/21, 1/19/21

Re: 2019 Toyota Tundra 4WD

Docket 8

***** VACATED *** REASON: Voluntary dismissal of motion filed on
1/19/21-mb.**

Tentative Ruling:

Off calendar. Motion voluntarily dismissed by notice filed on 1/19/21. No
appearances are required on 2/2/21.

Party Information

Debtor(s):

Constantin Zubin

Represented By
Elena Steers

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, February 2, 2021

Hearing Room 1675

11:00 AM

2:19-15989 Briena Sheree Casares

Chapter 7

#3.00 Cont'd hearing re: Chapter 7 Trustee's motion for order compelling turnover of estate property and documents fr. 12/15/20

Docket 41

Tentative Ruling:

Updated tentative ruling as of 2/1/21. In light of the lack of any response by debtor to the order granting the trustee's turnover motion, the court is inclined to grant trustee's request for an order authorizing eviction to effectuate the turnover order. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 2, 2021

Hearing Room 1675

11:00 AM

CONT... Briena Sheree Casares

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. Grant trustee's motion for turnover for the reasons stated in the moving papers and for lack of timely written opposition. However, with respect to executing the turnover order, trustee should address whether there is any restriction on execution of a turnover order due to restrictions of the current state or county safer-at-home orders, other covid-19 safety precautions or the current federal and state residential eviction moratoriums. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Party Information

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, February 2, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

- #3.10** Order to show cause why sanctions should not be imposed against attorney Onyinye N. Anyama for failure to appear at the January 19, 2021 hearing on Bank's motion for stay relief and continuing hearing on motion

Docket 137

Tentative Ruling:

No tentative ruling as of 2/1/21. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

**United States Bankruptcy Court
Central District of California
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Tuesday, February 2, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 12/14/20. No tentative ruling on the merits. Movant to address any impact of the current federal and state eviction moratoriums on the request for relief. Appearances are required on 12/15/20, but counsel and self-represented parties must 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, February 2, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#3.20 Cont'd hearing re: Motion for relief from stay
(U.S. Bank Trust National Association VS Debtor)
fr. 11/10/20, 12/15/20, 1/19/21

Docket 65

Tentative Ruling:

Updated tentative ruling as of 2/1/21. No updated tentative ruling on the merits. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, February 2, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 1/15/21. The court notes that movant filed a declaration re: default under adequate protection order and lodged a proposed stay relief order on 1/11/21, but then, filed a withdrawal of the proposed stay relief order on 1/12/21. Does this mean that the parties have reached a consensual resolution of the motion? Otherwise, no tentative ruling on the merits. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/14/20. No tentative ruling on the merits. Movant to address any impact of the current federal and state eviction moratoriums on the request for relief. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. No tentative ruling on the merits. Appearances are required on 11/10/20, but counsel and self-represented parties must appear by telephone.

Prior 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.

Party Information

Debtor(s):

Samuel Marquez

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

Movant(s):

U.S. Bank Trust National

Represented By
Kristin A Zilberstein

**United States Bankruptcy Court
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1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01467 Avery v. Mercedes-Benz Financial Service USA LLC

#4.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 7/14/20, 9/15/20, 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 3/31/21 at 11:30 a.m. per stip & order entered on 1/28/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Mercedes-Benz Financial Service

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01468 Avery v. Baldwin Sun Inc.

#5.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and transfers
fr. 7/14/20, 9/15/20, 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/29/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Baldwin Sun Inc.

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01470 Avery v. JC Rack Systems

#6.00 Cont'd status conference re: Complaint for avoidance and recovery of fraudulent transfers
fr. 7/14/20, 9/15/20, 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

JC Rack Systems

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01471 Avery v. Los Angeles County Tax Collector

#7.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers
fr. 7/14/20, 9/15/20, 11/17/20

Docket 1

Tentative Ruling:

The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The parties should address whether the court should refer this matter to the court's mediation program as the parties differ on whether mediation should be ordered. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You

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Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Los Angeles County Tax Collector

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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Central District of California
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Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01473 Avery v. Sio, LLC

#8.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 7/14/20, 9/15/20, 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 3/31/21 at 11:30 a.m. per stip & order entered on 1/27/21-mb**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Sio, LLC

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01479 Avery v. Trinh

#9.00 Cont'd status conference re: Complaint for (1) breach of fiduciary duty; (2) conversion; (3) misappropriation of trade secrets; (4) wrongful disparagement of debtor's assets; (5) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of actual fraudulent transfers; (7) avoidance, recovery, and preservation of constructive fraudulent transfers; (8) unauthorized post-petition transfers; and (9) turnover of property of the estate
fr. 7/14/20, 9/30/20, 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/20/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Tony Trinh

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By

**United States Bankruptcy Court
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CONT... Kody Branch of California, Inc.

Chapter 7

Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#10.00 Order to show cause why plaintiffs' attorney Albert L. Chaney, III should not be sanctioned for failure to appear at the pretrial conference

Docket 1

Tentative Ruling:

The court has reviewed the counsel declaration in response to the order to show cause, and the court is inclined to discharge the order show cause based on counsel's medical condition. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Alfred Lee Stringer

Represented By
Marc A Goldbach

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

Sharlet Marie Lee

Represented By
Albert L Chaney III

Trustee(s):

Elissa Miller (TR)

Pro Se

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Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

- #11.00** Cont'd pretrial 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. 9/08/20, 10/27/20, 12/15/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 12/14/20. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 10/22/20. No tentative ruling on the merits. Appearances are required on 10/27/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Alfred Lee Stringer	Pro Se
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Defendant(s):

Alfred Lee Stringer	Pro Se
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Plaintiff(s):

Mylaunna Lee	Represented By Albert L Chaney III
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Sharlet Marie Lee	Represented By Albert L Chaney III
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Trustee(s):

Elissa Miller (TR)	Pro Se
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**United States Bankruptcy Court
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Tuesday, February 2, 2021

Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#12.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 5/5/20, 6/30/20, 1/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange

**United States Bankruptcy Court
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1:30 PM

CONT...

MINSEOK LEE

Chapter 7

to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about

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1:30 PM

CONT... MINSEOK LEE

Chapter 7

arranging a telephonic appearance through CourtCall is posted on the court's website.

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
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Hearing Room 1675

2:00 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#13.00 Cont'd status conference re: Complaint for 1. damages to plaintiff, home been unnecessarily sold, 2. fraud upon the court, 3. bankruptcy proceeding be vacated due to a fraud upon the court
fr. 12/15/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 to 2/16/21 at 2:30 p.m.
per order entered on 1/25/21-pp.**

Tentative Ruling:

Off calendar. Continued to 2/16/21 at 2:30 p.m. by prior order. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Wesley H Avery Pro Se

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
Dennis E McGoldrick

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:12-26069 Allen Bernard Shay

Chapter 7

#14.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Alfred H. Siegel, Chapter 7 Trustee]

Docket 392

Tentative Ruling:

Approve the trustee's final report and account, approve the trustee's fee application in the amount of \$65,230.79, which is the maximum statutory fee allowable based on the estate receipts of \$1,399,359.50 pursuant to 11 U.S.C. 326 as computed by the court, but disallow the amount of \$720.00 requested in the fee application which exceeds the maximum statutory amount (requested fee of \$65,950.79 exceeds the maximum statutory fee of \$65,230.79 by \$720.00). Appearances of the trustee are optional if the trustee agrees with the court's computation of the statutory fee amount and submits on the tentative ruling, otherwise, appearances are required on 2/2/21, and counsel and self-represented parties must appear by telephone.

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)
Anthony A Friedman

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2:30 PM

2:12-26069 Allen Bernard Shay

Chapter 7

#15.00 Hearing re: Application for fees and expenses
[Levene Neale Bender Yoo & Brill LLP, Attorney for Chapter 7 Trustee]

Docket 388

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 2/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

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)
Anthony A Friedman

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

2:12-26069 Allen Bernard Shay

Chapter 7

#16.00 Hearing re: Application for fees and expenses
[Grobstein Teeple, LLP, Accountant for Chapter 7 Trustee]

Docket 389

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 2/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

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)
Anthony A Friedman

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

2:18-17205 Avi Cohen

Chapter 7

Adv#: 2:18-01296 Swift Financial, LLC fka Swift Financial Corporati v. Cohen

#17.00 Hearing re: Plaintiff Swift Financial's motion to clarify/modify judgment to include amount of judgment

Docket 68

Tentative Ruling:

Deny plaintiff's motion to clarify/modify judgment to include amount on judgment for lack of jurisdiction because defendant's appeal was docketed by the Bankruptcy Appellate Panel on 1/19/21 and thus, the express language of FRCP 60(a) requires leave of the appellate court for this court to "correct" any clerical mistake, and there is no record of such leave, and the filing of defendant's notice of appeal deprives the court to rule upon plaintiff's motion under FRCP 60(b). Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004). Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

CONT...

Avi Cohen

Chapter 7

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

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, February 2, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#18.00 Hearing re: Motion And Joint Motion For An Order (I) Granting Preliminary Approval Of Settlement, (II) Certifying Class For Purposes Of Settlement, (III) Appointing Class Representative And Class Counsel, (IV) Directing Notice To The Settlement Class, And (V) Scheduling A Final Fairness Hearing

Docket 502

Tentative Ruling:

Grant joint motion for order granting preliminary approval of settlement, certifying class for purposes of settlement, appointing class representative and class counsel, directing notice to settlement class and scheduling final fairness hearing for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 9013-1(h). Appearances are required on 2/2/21 to discuss logistics and scheduling of final fairness hearing, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, February 2, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

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

#19.00 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. 8/4/20, 10/27/20, 1/19/21

Docket 1

Tentative Ruling:

No tentative ruling as of 2/1/21. The court has reviewed the joint status report that there is a hearing on a pending motion for approval of a settlement of this dispute pursuant to FRBP 9019 before the court at the same time as the status conference. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, February 2, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#20.00 Hearing re: Plaintiff's motion to compel discovery responses and for related relief

Docket 44

Tentative Ruling:

No tentative ruling as of 2/1/21. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

CONT... Eui Joon Park

Chapter 7

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

2:20-11053 Marisela Ham Cortez and Oscar Cruz-Ham

Chapter 7

#21.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Peter Mastan, Chapter 7 Trustee]

Docket 42

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 2/2/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Marisela Ham Cortez

Represented By
Lionel E Giron

Joint Debtor(s):

Oscar Cruz-Ham

Represented By
Lionel E Giron

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

#22.00 Cont'd hearing re: Application by chapter 7 trustee to employ Keller Williams as real estate broker
fr. 1/12/21

Docket 33

***** VACATED *** REASON: Cont'd from 2/2/21 at 3/9/21 at 2:30 p.m. per stip & order entered on 1/22/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 3/9/21 at 2:30 p.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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, February 2, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#23.00 Cont'd hearing re: Motion to set aside default and motion for permission to use cash collateral to pay mortgage holder fr. 1/19/21

Docket 30

***** VACATED *** REASON: Notice of withdrawal filed on 1/31/2021-mb.**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 1/13/21. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Represented By
Andrew Edward Smyth

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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
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Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#24.00 Cont'd hearing re: Motion to set aside default
fr. 1/19/21

Docket 29

***** VACATED *** REASON: Off calendar per order entered on 1/15/2021
-mb.**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 1/13/21. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Represented By
Andrew Edward Smyth

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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, February 2, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#25.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 10/20/20, 12/8/20, 1/12/21

Docket 1

***** VACATED *** REASON: Cont'd from 2/2/21 at 3/9/21 at 2:30 p.m. per stip & order entered on 1/22/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 3/9/21 at 2:30 p.m. No appearances are required on 2/2/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

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

Tuesday, February 2, 2021

Hearing Room 1675

2:30 PM

CONT... Ki Hyong Kim

Chapter 7

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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**

Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:16-24758 Swing House Rehearsal and Recording, Inc.

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. 12/11/19, 3/11/20, 9/16/20

Docket 1

Tentative Ruling:

No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

CONT... Swing House Rehearsal and Recording, Inc.

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

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, February 3, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#2.00 Hearing re: Motion for order authorizing release of financing proceeds to reorganized debtor

Docket 273

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to reorganized debtor's motion for order authorizing release of refinancing proceeds to it, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the motion pursuant to Local Bankruptcy Rule 9013-1(h), rules on the motion on the papers, and grants the motion for the reasons stated in the moving papers and for lack of timely written opposition. No appearances are required on 2/3/21. Debtor to lodge a proposed order within 7 days of hearing.

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, February 3, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#3.00 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. 6/3/20, 8/5/20, 11/4/20

Docket 314

***** VACATED *** REASON: Cont'd from 2/3/21 to 6/9/21 at 11:30 a.m.
per stip & order entered on 1/19/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/9/21 at 11:30 a.m. No appearances are required on 2/3/21.

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 3, 2021

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. 6/3/20, 8/5/20, 11/4/20

Docket 310

***** VACATED *** REASON: Cont'd from 2/3/21 to 6/9/21 at 11:30 a.m.
per stip & order entered on 1/19/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/9/21 at 11:30 a.m. No appearances are required on 2/3/21.

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 3, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#5.00 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. 6/3/20, 8/5/20, 11/4/20

Docket 316

***** VACATED *** REASON: Cont'd from 2/3/21 to 6/9/21 at 11:30 a.m.
per stip & order entered on 1/19/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/9/21 at 11:30 a.m. No appearances are required on 2/3/21.

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 3, 2021

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. 6/3/20, 8/5/20, 11/4/20

Docket 312

***** VACATED *** REASON: Cont'd from 2/3/21 to 6/9/21 at 11:30 a.m.
per stip & order entered on 1/19/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/9/21 at 11:30 a.m. No appearances are required on 2/3/21.

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 3, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#7.00 Cont'd status conference re: Motion for contempt
fr. 5/6/20, 7/1/20, 12/2/20

Docket 205

Tentative Ruling:

Updated tentative ruling as of 2/1/21. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#8.00 Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution
fr. 5/6/20, 7/1/20, 12/2/20

Docket 103

Tentative Ruling:

Updated tentative ruling as of 2/1/21. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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
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Wednesday, February 3, 2021

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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#9.00 Hearing re: Application by debtors and debtors in possession to employ Law Offices of Raymond H. Aver, a Professional Corporation, as substitute general insolvency counsel

Docket 259

Tentative Ruling:

No tentative ruling as of 2/1/21. Applicant should address in reply the objections of creditors to the application. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

**United States Bankruptcy Court
Central District of California
Los Angeles
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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#10.00 Cont'd status conference re: Management of chapter 11 case
fr. 5/6/20, 7/1/20, 12/2/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/1/21. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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, February 3, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar

Chapter 11

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

- #11.00** 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. 5/6/20, 7/1/20, 12/2/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/1/21. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
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Los Angeles
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Wednesday, February 3, 2021

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11:00 AM

CONT... **Shahriar Joseph Zargar**

Chapter 11

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Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:18-14665 Hugo Hernandez

Chapter 11

#12.00 Cont'd status conference re: Post confirmation of plan
fr. 8/5/20, 10/21/20, 12/2/20

Docket 113

Tentative Ruling:

Revised and updated tentative ruling as of 2/1/21. Off calendar. The status conference is moot because the court has granted debtor's motion for closing of the case on an interim basis. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Hugo Hernandez

Represented By
Lionel E Giron

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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#13.00 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 11/18/20, 12/16/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/1/210. The court notes that debtor has filed its reorganization plan and noticed plan confirmation for hearing. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

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Central District of California
Los Angeles
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11:00 AM

CONT... Hollywood for Children, Inc., a New York non-profi Chapter 11

will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/16/20. No tentative ruling on the merits. Appearances are required on 11/18/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New

Represented By
Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#14.00 Hearing re: Motion in individual chapter 11 case for order authorizing use of cash collateral

Docket 17

Tentative Ruling:

Grant debtor's motion for order authorizing use of cash collateral for the reasons stated in the moving papers on condition that net rental income be deposited into segregated DIP accounts for each property and that as requested by objecting creditor, as to the Hobart property, such use be allowed on a short term basis (e.g. 4-6 months) pending further review of whether creditor's equity cushion is adequately protected. Based on debtor's valuation, there is an equity cushion of \$93,000 or 9.3% in the Hobart property, and the equity cushion of objecting creditor's second lien may be eroding due to the continuing nonpayment of the loan secured by the first lien on the property. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

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Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 3, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#15.00 Status conference re: Chapter 11 case (Subchapter V)

Docket 1

Tentative Ruling:

The court has reviewed debtor's Subchapter V case status report. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
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Wednesday, February 3, 2021

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11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

**United States Bankruptcy Court
Central District of California
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Wednesday, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 **Kody Branch of California, Inc.**

Chapter 7

#16.00 Pretrial conference re: Chapter 7 trustee's omnibus objection to: Claim No. 11 - Shaoxing LeiLei Import & Export; Claim No. 12 - Cong Ty Tnhh Anh Chau; Claim No. 13 - Shaoxing Tuchang Knitting Textile; Claim No. 14 - Gia Phu Fashion Company; and Claim No. 15 - Cong Ty May Trinh Vuong
fr. 6/9/20, 9/30/20, 10/14/20

Docket 351

***** VACATED *** REASON: Cont'd from 2/3/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/15/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Prior tentative ruling as of 10/13/20. The trustee's objections to the claims as amended of creditors Shaoxing Leilei Import & Export Co. (\$223,394.01), Cong Ty Tnhh Anh Chau (\$1,843,219.16), Shaoxing Tuchang Knitting Textile Co., Ltd. (\$323,430.14)(note: amended claim refers to Shaoxing Leilei Import & Export Co. as claimant, which appears to be a scrivener's error, as supporting documentation refers to Shaoxing Tuchang Knitting Textile Co., Ltd.), Gia Phu Fashion Co. (\$333,916.51), and Cong Ty May Trinh Vuong (\$1,036,668.79) pursuant to Federal Rule of Bankruptcy Procedure 3007 are contested matters pursuant to Federal Rule of Bankruptcy Procedure 9014. See In re Garner, 246 B.R. 617, 623 (9th Cir. BAP 2000), citing inter alia, Advisory Committee Note to Federal Rule of Bankruptcy Procedure 3007. The trustee, claimants and a creditor joining the trustee's objections have filed declarations and documentary evidence in support and in opposition to the objections. The trustee has filed evidentiary objections to the declarations and documentary evidence of the claimants with the expectations that the court will sustain his objections and determine that there are no genuine issues of material fact to preclude the court from determining that he is entitled to judgment as a matter of law that claimants have failed to meet their burden of proving the validity and amount of their claims. In order for the court to now rule in favor of the trustee and sustain his objections now, the court would have to determine that despite claimants' evidence, there are no genuine issues of material fact and that the trustee is entitled to judgment as a

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1:30 PM

CONT... **Kody Branch of California, Inc.**

Chapter 7

matter of law. In essence, this request is a motion for summary judgment under Federal Rule of Bankruptcy Procedure 7056, which applies to contested matters like these under Federal Rule of Bankruptcy Procedure 9014, but the trustee has not filed such a motion. Even if the court were to sustain the trustee's evidentiary objections, it would seem to the court in the interest of fairness to allow claimants to cure the evidentiary objections to their evidence as Rule 9014 provides that "reasonable notice and opportunity for hearing shall be afforded to the party against whom relief is sought." Rule 9014 also provides that "[t]estimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding" and that "[t]he court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify." The trustee apparently believes that there are no genuine issues of material fact, if that is the case, then it should be determined upon a proper motion for summary judgment under Rule 7056. It appears that there are unresolved material factual issues that may require an evidentiary hearing to resolve, requiring the issuance of factual findings pursuant to Federal Rule of Bankruptcy Procedure 7052, and if so, then the court should set an appropriate schedule of pretrial and trial proceedings, especially considering the large dollar amounts of the objected to claims. The court is not sure that on this record, the trustee has shown that there are no genuine issues of material fact and that he is entitled to judgment as a matter of law on grounds that claimants have not their ultimate burden of proving the validity and amount of their claims. Moreover, the court is not so sure that the trustee is entitled to judgment as a matter of law that the claims should be barred under California law based on the statute of frauds and the statute of limitations on contractual breach claims as the claims are based on contracts involving parties of different contractual states, i.e., debtor as the buyer of goods is a California contract party, but the claimants as the seller of goods are foreign contract parties from China and Vietnam, and thus, it is unclear the choice of law governing the contracts between the parties. The trustee assumes that California law applies to the contracts because the buyer is a California party, but there is no evidence in the contracts themselves that California law governs these claims. It may be that the contracts may be governed by the law of China and/or Vietnam, where the claimants as the selling parties are located. Or the international sales contracts like these may be governed by

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1:30 PM

CONT... **Kody Branch of California, Inc.**

Chapter 7

international law, i.e., United Nations Convention on Contracts for the International Sale of Goods, S. Treaty Doc. No. 98-9 (1983), reprinted in 15 U.S.C.A. App. ("CISG"), cited in *Shantou Real Lingerie Manufacturing Co., Ltd. v. Native Group International, Ltd.*, No. 14 Civ. 10246 (FM), 2016 WL 4532911 at *2-3 (S.D.N.Y. August 23, 2016), citing, *Cedar Petrochemicals, Inc. v. Dongbu Hannong Chem. Co.*, No. 06 Civ. 3972 (LTS) (JCF), 2011 WL 4494602, at *3 (S.D.N.Y. Sept. 28, 2011) ("[The CISG] automatically applies to international sales contracts between parties from different contracting states[.] ... Where parties wish to exercise their right to derogate from the CISG, they must do so explicitly.") (internal quotation marks omitted) (quoting *Zhejiang Shaoxing Yongli Printing & Dyeing Co. v. Microflock Textile Grp.*, No. 06 Civ. 22608 (JJO), 2008 WL 2098062, at *1 (S.D. Fla. May 19, 2008)); see also, Zierdt and Adams, "International Sales of Goods," 70 Bus. Law. 1269 (American Bar Association: Fall 2015); Adams and Zierdt, "International Sales of Goods," 2017-NOV Bus. L. Today 243 (American Bar Association: Nov. 2017). The parties have not addressed choice of law issues in their briefing, which have bearing on the arguments being made in the pleadings and raise unresolved legal and factual issues. The court believes that these contested matters of the trustee's objections to the claims of the claimants should be resolved by an evidentiary hearing or upon a motion for summary judgment in accordance with the applicable rules, Federal Rules of Bankruptcy Procedure 3007, 7052, 7056 and 9014, so that the factual and legal issues presented can be fully and fairly ventilated and determined.

Appearances are required on 10/14/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/25/20. The court will treat the objections to claims as contested matters under FRBP 9014 and will treat the hearing on 9/30/20 as a status conference. The parties should advise the court whether there are material issues of fact that require an evidentiary hearing. If so, the court will inquire with the parties as to an appropriate pretrial and trial schedule. If not, the court will discuss with the parties scheduling of a final hearing on the objections to hear arguments on the evidentiary objections asserted by the parties and on the merits of the objections. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

**United States Bankruptcy Court
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CONT... Kody Branch of California, Inc.

Chapter 7

Prior tentative ruling as of 6/8/20. In response to the trustee's omnibus objections to claims, claimants through their attorney filed amended claims on 5/11/20 and 5/12/20. Pursuant to Rule 3001(f) of the Federal Rule of Bankruptcy Procedure (FRBP), proofs of claim executed and filed in accordance with the FRBP shall constitute prima facie evidence of the validity and amount of the claims. In reply, the trustee supported by declarations of Linda Lee and Michael Weinberg has rebutted the prima facie correctness of the amended proofs of claim by showing that the documents attached to the amended proofs of claim were fabricated and are not genuine. Moreover, in the court's view, the documents to support amended claims lack evidentiary foundation as none of the documents attached in support of the amended claims are properly authenticated by someone with personal knowledge as required by Rules 602, 901 and 902 of the Federal Rules of Evidence, which tends to show that the objections to the claims have rebutted the prima facie correctness of the claims, and that the claimants bear the ultimate burden of proving the validity of their claims and should be prepared to show that they have met this burden at the hearing. In re Holm, 931 F.2d 620, 623 (9th Cir. 1991).

Appearances are required on 6/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 6/2/20 at 2:30 p.m. No appearances are required on 4/28/20.

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, February 3, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

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

Wednesday, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01466 Avery v. Gia Phu Fashion Garment Co.

#17.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from to 2/3/21 to 3/31/21 at 11:30 a.m. per stip & order entered on 1/26/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Gia Phu Fashion Garment Co.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

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, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01469 Avery v. Trinh Vuong Garment Co., Ltd.

#18.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers
fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Off calendar per tentative ruling, matter continued to 3/31/21 at 11:30 a.m.-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost benefit analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Vuong Garment Co., Ltd.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

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

Wednesday, February 3, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

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, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01472 Avery v. Shanghai Medicines and Health Products Import and

#19.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

*** VACATED *** REASON: Off calendar per tentative ruling, matter continued to 3/31/21 at 11:30 a.m.-mb.

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost benefit analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shanghai Medicines and Health

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack

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

Wednesday, February 3, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays
David Wood

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

Wednesday, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01475 Avery v. Van

#20.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/3/21 to 3/31/21 at 11:30 a.m. per stip & order entered on 1/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Thi Hong Van

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01476 Avery v. Chau

#21.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/3/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/28/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Cong Ty Tnhh Anh Chau

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01477 Avery v. Shaoxing LeiLei Import & Export Company

#22.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/3/21 to 3/31/21 at 11:30 a.m. per stip & order entered on 1/28/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing LeiLei Import & Export

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, February 3, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01478 Avery v. Shaoxing Tuchang Knitting Textile Co., Ltd.

#23.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 8/18/20, 9/30/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/3/21 to 3/31/21 at 11:30 a.m.
per stip & order entered on 1/28/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 2/1/21. Off calendar. Continued by stipulation and order to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing Tuchang Knitting Textile

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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**

Thursday, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-18841 Gombodorj Bayarsaikhan

Chapter 7

#1.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gombodorj Bayarsaikhan

Represented By
Eliza Ghanooni

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**

Thursday, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19137 Ruth Anne Casto

Chapter 7

#2.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruth Anne Casto

Represented By
Daniela P Romero

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19194 Tristen James Mareci

Chapter 7

#3.00 ZOOM hearing re: 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 -

Party Information

Debtor(s):

Tristen James Mareci

Represented By
Daniela P Romero

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19261 Kendall Wade Small

Chapter 7

#4.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and CarMax Auto Finance

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kendall Wade Small

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19683 Adriana Jimenez

Chapter 7

#5.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adriana Jimenez

Represented By
Michael H Colmenares

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19905 Janiece D. White

Chapter 7

#6.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Northwest Federal Credit Union

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janiece D. White

Represented By
Steven B Lever

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19917 Misael Carranza and Ruby Marie Carranza

Chapter 7

**#7.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and First City
Credit Union**

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misael Carranza Pro Se

Joint Debtor(s):

Ruby Marie Carranza 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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19931 Rachel Thomas

Chapter 7

#8.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Americredit
Financial Services, Inc. Dba GM Financial

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rachel Thomas

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-19946 John Reilly

Chapter 7

**#9.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and FLAGSHIP
CREDIT ACCEPTANCE**

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Reilly

Represented By
Nancy Korompis

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-1996 Daniel Ortiz and Anissa Marie Acosta

Chapter 7

#10.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Financial Partners Credit Union

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Ortiz	Pro Se
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Joint Debtor(s):

Anissa Marie Acosta	Pro Se
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Trustee(s):

Timothy Yoo (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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20030 Mohammed June

Chapter 7

#11.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and SchoolsFirst Federal Credit Union

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mohammed June

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20147 Alfredo Montoya-Canales and Nilcia Yanet Mendoza

Chapter 7

#12.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfredo Montoya-Canales

Represented By
Cynthia Grande

Joint Debtor(s):

Nilcia Yanet Mendoza

Represented By
Cynthia Grande

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20325 Jonathan Steve Dunn

Chapter 7

#13.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Mechanics Bank

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Steve Dunn

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**

Thursday, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20340 Edwin Casillas

Chapter 7

#14.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Los Angeles Federal Credit Union

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Casillas

Represented By
Laleh Ensafi

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20656 Yadira Veronica Madrigal

Chapter 7

#15.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Ally Financial

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yadira Veronica Madrigal

Represented By
Raymond Perez

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20951 Erika Viana Stunner

Chapter 7

**#16.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and Downey
Federal Credit Union**

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erika Viana Stunner

Represented By
Rex Tran

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, February 4, 2021

Hearing Room 1675

11:00 AM

2:20-20967 Dianne Yolanda Robinson

Chapter 7

#17.00 ZOOM hearing re: Reaffirmation Agreement Between Debtor and OneMain

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dianne Yolanda Robinson	Pro Se
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Trustee(s):

Elissa Miller (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, February 9, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov et al

#1.00 Cont'd hearing re: Motion for entry of default judgement against defendant Simon Yaftadonay Pursuant to Federal Rule of Civil Procedure 55 as incorporated by Federal Rule of Bankruptcy Procedure 7055 and Local bankruptcy Rule 7055-1 fr. 10/13/20, 12/8/20

Docket 21

***** VACATED *** REASON: Matter will be heard at 3:00 p.m.-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revised tentative ruling as of 2/9/21. The matter will be called on the 3:00 p.m. calendar to avoid a scheduling conflict. Upon further review, the court notes that there is an inconsistency between the motion seeking to set aside transfers within one year of petition date and the amended complaint seeking to set aside only transfers within 90 days of petition date. See 11 U.S.C. 547(b)(4)(A) and (B). See also Federal Rule of Civil Procedure 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."). The first claim for relief under 11 U.S.C. 547 demands that the transfers made within 90 days of the petition date be avoided. No tentative ruling on the motion as the complaint may need to be further amended to cover the 90 to one year transfers. Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/5/21. Having reviewed the declaration of Michael Krasnowski in support of the trustee's motion for default judgment, the court will grant the motion based on the moving papers as supplemented by the Krasnowski declaration. The trustee must lodge a proposed order granting the motion and a proposed default judgment. Since the court's tentative ruling on the motion for default judgment is now to grant the motion, the court on its own continues the hearing on the motion to 3/2/21 at 1:30 p.m. as primarily a holding date to give time to the trustee to lodge a proposed order granting the motion and a proposed default judgment. No appearances are

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

Tuesday, February 9, 2021

Hearing Room 1675

1:30 PM

CONT... SOCALDEAL INC
required on 2/9/21.

Chapter 7

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

Simon Shemtov

Pro Se

Simon Yaftadonay

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, February 9, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov

#2.00 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. 8/4/20, 10/6/20, 12/8/20

Docket 1

***** VACATED *** REASON: Matter will be heard at 3:00 p.m.-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revised tentative ruling as of 2/9/21. The matter will be called on the 3:00 p.m. calendar to avoid a scheduling conflict. Upon further review, the court notes that there is an inconsistency between the motion seeking to set aside transfers within one year of petition date and the amended complaint seeking to set aside only transfers within 90 days of petition date. See 11 U.S.C. 547(b)(4)(A) and (B). See also Federal Rule of Civil Procedure 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."). The first claim for relief under 11 U.S.C. 547 demands that the transfers made within 90 days of the petition date be avoided. No tentative ruling on the motion as the complaint may need to be further amended to cover the 90 to one year transfers. Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/5/21. Off calendar. Since the court's tentative ruling on the motion for default judgment is now to grant the motion, the court on its own continues the status conference to 3/2/21 at 1:30 p.m. as primarily a holding date to give time to the trustee to lodge a proposed order granting the motion and a proposed default judgment. No appearances are required on 2/9/21.

Party Information

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

Tuesday, February 9, 2021

Hearing Room 1675

1:30 PM

CONT... SOCALDEAL INC

Chapter 7

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
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, February 9, 2021

Hearing Room 1675

1:30 PM

2:19-24594 John Michael Butcher

Chapter 7

Adv#: 2:20-01049 Neptune Fire Protection, Inc. v. Butcher et al

#3.00 Cont'd status conference re: Complaint to determine nondischargeability of debt
fr. 11/10/20, 1/6/21, 1/12/21

Docket 1

***** VACATED *** REASON: Dismissed per stip & order entered on
1/28/21-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding has been dismissed by stipulation and order. No appearances are required on 2/9/21.

Party Information

Debtor(s):

John Michael Butcher

Represented By
Dean G Rallis Jr

Defendant(s):

John Michael Butcher

Pro Se

Karen Payne Butcher

Pro Se

Joint Debtor(s):

Karen Payne Butcher

Represented By
Dean G Rallis Jr

Plaintiff(s):

Neptune Fire Protection, Inc.

Represented By
Robert G Klein

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 9, 2021

Hearing Room 1675

1:30 PM

CONT... John Michael Butcher

Chapter 7

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

Tuesday, February 9, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#4.00 Cont's status conference re: Trustee's complaint: (1) to avoid and recover fraudulent transfer; (2) for turnover; and (3) for declaratory relief fr. 4/7/20, 10/20/20, 12/15/20

Docket 1

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 2/5/21. Having reviewed the joint status report, the court would set the following amended pretrial schedule: (1) discovery cutoff date: 6/30/21; (2) deadline for joinder of new parties and amendment of pleadings, 3/15/21; (3) deadline for filing pretrial motions, 6/30/21; (4) deadline for hearing of pretrial motions, 8/31/21; (5) post-discovery status conference, 7/13/21 at 1:30 p.m.; (6) deadline for filing joint status report, 7/6/21.

Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

2:30 PM

CONT...

Eui Joon Park

Chapter 7

court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Pro Se

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 9, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#5.00 Hearing re: Motion to dismiss for lack of subject matter jurisdiction or, in the alternative, to abstain

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deny defendant's motion to dismiss for lack of subject matter jurisdiction for the reasons set forth in the trustee's opposition. The court has jurisdiction to hear fraudulent transfer avoidance claims under 11 U.S.C. 544 and 548 and applicable California fraudulent transfer law under California Civil Code 3439.01 et seq. as core proceedings under 28 U.S.C. 157(b)(2)(H) pursuant to 28 U.S.C. 1334, but the bankruptcy court lacks jurisdiction to enter final judgment on such claims absent consent of the parties and must submit proposed findings of fact conclusions of law for review and approval of the Article III district court for entry of final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25 (2014); *Wellness International Network, Ltd. v. Sharif*, 575 U.S. 665 (2015). Defendant's argument that the bankruptcy court lacks jurisdiction based on the judgment of the state court in her and debtor's marital dissolution action in state court approving a property division pursuant to marital settlement agreement is devoid of merit since the California Supreme Court and the Ninth Circuit Bankruptcy Appellate Panel have held that third party creditors may attack marital settlement agreements as fraudulent transfers. *Mejia v. Reed*, 31 Cal.4th 657, 669 (2003); *In re Beverly*, 374 B.R. 221, 233-236 (2007). As the BAP in *Beverly* stated, "It is settled California law that a transfer accomplished through an MSA can be avoided as a fraudulent transfer pursuant to UFTA." 374 B.R. at 233, citing, *Mejia v. Reed*, 31 Cal.4th at 669. The case relied upon by defendant, *In re Marriage of Seligman*, 14 Cal.App.4th 300 (1993), is not on point because that case involved a dispute between two spouses as to whether the state court in their marital dissolution action had jurisdiction to divide their community property after the wife filed for bankruptcy and the property had

**United States Bankruptcy Court
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2:30 PM

CONT...

Eui Joon Park

Chapter 7

been technically abandoned, holding that under such circumstances, the state court held that it had jurisdiction. *Seligman* is inapplicable here because it was a dispute between two spouses who were the parties in a marital dissolution action and did not involve fraudulent transfer claims of third party creditors as here. To apply *Seligman*, which is only an intermediate state appellate court decision, here as argued by defendant is improper because that would be inconsistent with the law of the highest court authority in the state in *Mejia v. Reed*. Further deny the motion for abstention for the reasons stated in the trustee's opposition, and besides, abstention is inappropriate here because there has to be a pending state court proceeding to abstain to, but there is no showing that there is any such proceeding, and in any event, there would be none as the trustee (or creditors) would not be proper parties to the marital dissolution action of defendant and debtor, which apparently is the action that defendant wants the court to abstain in favor of. *In re Lazar*, 237 F.3d 967, 981-982 (9th Cir. 2001).

Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Tuesday, February 9, 2021

Hearing Room 1675

2:30 PM

CONT... Eui Joon Park

Chapter 7

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, February 9, 2021

Hearing Room 1675

3:00 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov et al

#6.00 Cont'd hearing re: Motion for entry of default judgement against defendant Simon Yaftadonay Pursuant to Federal Rule of Civil Procedure 55 as incorporated by Federal Rule of Bankruptcy Procedure 7055 and Local bankruptcy Rule 7055-1 fr. 10/13/20, 12/8/20

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revised tentative ruling as of 2/9/21. The matter will be called on the 3:00 p.m. calendar to avoid a scheduling conflict. Upon further review, the court notes that there is an inconsistency between the motion seeking to set aside transfers within one year of petition date and the amended complaint seeking to set aside only transfers within 90 days of petition date. See 11 U.S.C. 547(b)(4)(A) and (B). See also Federal Rule of Civil Procedure 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."). The first claim for relief under 11 U.S.C. 547 demands that the transfers made within 90 days of the petition date be avoided. No tentative ruling on the motion as the complaint may need to be further amended to cover the 90 to one year transfers. Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/5/21. Having reviewed the declaration of Michael Krasnowski in support of the trustee's motion for default judgment, the court will grant the motion based on the moving papers as supplemented by the Krasnowski declaration. The trustee must lodge a proposed order granting the motion and a proposed default judgment. Since the court's tentative ruling on the motion for default judgment is now to grant the motion, the court on its own continues the hearing on the motion to 3/2/21 at 1:30 p.m. as primarily a holding date to give time to the trustee to lodge a proposed order granting the motion and a proposed default judgment. No appearances are

**United States Bankruptcy Court
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Tuesday, February 9, 2021

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3:00 PM

CONT... SOCALDEAL INC
required on 2/9/21.

Chapter 7

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

Simon Shemtov

Pro Se

Simon Yaftadonay

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
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Tuesday, February 9, 2021

Hearing Room 1675

3:00 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov

- #7.00** 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. 8/4/20, 10/6/20, 12/8/20

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revised tentative ruling as of 2/9/21. The matter will be called on the 3:00 p.m. calendar to avoid a scheduling conflict. Upon further review, the court notes that there is an inconsistency between the motion seeking to set aside transfers within one year of petition date and the amended complaint seeking to set aside only transfers within 90 days of petition date. See 11 U.S.C. 547(b)(4)(A) and (B). See also Federal Rule of Civil Procedure 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."). The first claim for relief under 11 U.S.C. 547 demands that the transfers made within 90 days of the petition date be avoided. No tentative ruling on the motion as the complaint may need to be further amended to cover the 90 to one year transfers. Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/5/21. Off calendar. Since the court's tentative ruling on the motion for default judgment is now to grant the motion, the court on its own continues the status conference to 3/2/21 at 1:30 p.m. as primarily a holding date to give time to the trustee to lodge a proposed order granting the motion and a proposed default judgment. No appearances are required on 2/9/21.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 9, 2021

Hearing Room 1675

3:00 PM

CONT... SOCALDEAL INC

Chapter 7

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
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#1.00 Order to show cause why counsel for debtor Ringstad & Sanders LLP should not be sanctioned for failure to appear at the January 20, 2021 status conference

Docket 548

***** VACATED *** REASON: Off calendar, per order entered on 2/5/21-
mb.**

Tentative Ruling:

Off calendar. Having considered the counsel declaration in response to the order to show cause, the court has issued an order discharging the order to show cause. No appearances are required on 2/10/21.

Party Information

Debtor(s):

Dowent Family LLC

Represented By
Todd C. Ringstad
Christopher Minier
Saul Reiss
Brian R Nelson

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

Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#2.00 Hearing re: Motion under 11 U.S.C. Section 1112(b)(1) to convert, dismiss or appoint a chapter 11 trustee

Docket 539

***** VACATED *** REASON: Matter vacated per stip & order entered on 1/27/21-mb.**

Tentative Ruling:

Off calendar. The motion is resolved and the hearing is vacated by stipulation and order. No appearances are required on 2/10/21.

Party Information

Debtor(s):

Dowent Family LLC

Represented By
Todd C. Ringstad
Christopher Minier
Saul Reiss
Brian R Nelson

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#3.00 Cont'd status conference re: Management of chapter 11 case
fr. 6/10/20, 9/9/20, 1/20/21

Docket 1

***** VACATED *** REASON: Cont'd from 2/10/21 to 2/17/21 at 11:00 a.m.
per order entered on 2/5/21-mb.**

Tentative Ruling:

Off calendar. The court has issued an order continuing the status conference on its own motion to 2/17/21 at 11:00 a.m. to be conducted with another hearing in the case. No appearances are required on 2/10/21.

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
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:19-10119 David Lee

Chapter 11

#4.00 Hearing re: Application for payment of final fees and expenses for David A Tilem, Debtor's Attorney, Period: 2/1/2020 to 1/12/2021, Fee: \$191630.00, Expenses: \$5621.02

Docket 388

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of general bankruptcy counsel for debtor in possession, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 2/10/21. Applicant to lodge a proposed order within 7 days of hearing.

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
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#5.00 Order to show cause why this bankruptcy case should not be converted to chapter 7, dismissed or a chapter 11 trustee appointed and to stay proceedings in contested matters of debtor's objection to claim of Ghazar Zehnaly and second interim fee application of Foley & Lardner, LLP

Docket 734

Tentative Ruling:

Updated tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#6.00 Cont'd hearing re: Second interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP
fr. 1/13/21

Docket 729

***** VACATED *** REASON: Cont'd from 2/10/21 to 3/17/21 at 11:00 a.m.
per stip and order entered on 2/3/21-mb.**

Tentative Ruling:

Off calendar. Continued to 2/10/21 at 11:00 a.m. by prior order. No appearances are required on 1/13/21.

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
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#7.00 Cont'd discovery dispute conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 10/21/20, 11/16/20, 12/17/20

Docket 343

Tentative Ruling:

No updated tentative ruling as of 2/8/21. Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 12/16/20. Given the escalating costs of litigation of this bankruptcy case without a reasonable prospect of rehabilitation and the resulting diminution of the remaining assets of the estate, the court is considering staying the proceedings of this contested matter and issuing an order to show cause why this bankruptcy case should not be converted to Chapter 7 or a trustee appointed pursuant to 11 U.S.C. 1112(b)(4)(A). Appearances are required on 12/17/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the

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

Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Updated tentative ruling as of 11/10/20. No tentative ruling on the merits. Appearances are required on 11/16/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, February 10, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, February 10, 2021

Hearing Room 1675

11:30 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#8.00 Cont'd status conference re: Management of chapter 11 case
fr. 10/21/20, 10/28/20, 1/20/21

Docket 1

Tentative Ruling:

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

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

Wednesday, February 10, 2021

Hearing Room 1675

11:30 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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**

Tuesday, February 16, 2021

Hearing Room 1675

11:00 AM

2:12-16195 David Alan Wilson

Chapter 7

Adv#: 2:12-01317 McKnew, Thomas I. IV et al v. Wilson

#1.00 Cont'd hearing re: Application for third person witness judgment debt examination of Michelle Wilson on behalf of American General Corporation
fr. 10/13/20, 12/2/20, 1/19/21

Docket 571

Tentative Ruling:

Appearances are required on 2/16/21 for the witness for the third person judgment debtor examination to comply with the examination order and to be sworn in for the examination, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Tuesday, February 16, 2021

Hearing Room 1675

11:00 AM

CONT... David Alan Wilson

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

David Alan Wilson

Represented By
Michael N Nicastrò
Christina M Chan
Eryk R Escobar

Defendant(s):

David A Wilson

Represented By
Jon-Michael A Marconi
James Andrew Hinds Jr
David Samuel Shevitz
Christopher A Dias

Plaintiff(s):

McKnew, Thomas I. IV

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretziàn
Rachel M Sposato

Lisa A McKnew

Represented By
James Andrew Hinds Jr
Paul R Shankman
Hye Jin Jang
Brian Barouir Yeretziàn

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

Tuesday, February 16, 2021

Hearing Room 1675

11:00 AM

CONT... David Alan Wilson

Chapter 7

Rachel M Sposato

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Thomas H Casey

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#2.00 Cont'd pretrial 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. 8/4/20, 9/15/20, 12/2/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/16/21 to 3/16/21 at 1:30 p.m.
per order entered on 2/8/21-mb.**

Tentative Ruling:

Off calendar. Continued to 3/16/21 at 1:30 p.m. by prior order entered on 2/8/21. No appearances are required on 2/16/21.

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, February 16, 2021

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

#3.00 Cont'd pretrial 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. 8/4/20, 9/15/20, 12/2/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/16/21 to 3/16/21 at 1:30 p.m.
per order entered on 2/8/21-mb.**

Tentative Ruling:

Off calendar. Continued to 3/16/21 at 1:30 p.m. by prior order entered on 2/8/21. No appearances are required on 2/16/21.

Party Information

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, February 16, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01258 Goodrich v. Yeftadonay

#4.00 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. 8/18/20, 9/29/20, 12/1/20

Docket 1

*** VACATED *** REASON: Notice of voluntary dismissal filed on 2/2/21-
mb.

Tentative Ruling:

Off calendar. Adversary proceeding voluntarily dismissed by notice filed on 2/2/21. No appearances are necessary.

Party Information

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
Beth Gaschen
Weiland Golden Goodrich LLP

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01435 Goodrich v. Amazon Loan Services

#5.00 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. 9/29/20, 10/27/20, 12/1/20

Docket 1

Tentative Ruling:

Off calendar. The court has reviewed the joint status report stating that the matter is settled and that the trustee will dismiss the adversary proceeding once payment is received, and requesting a 45 day continuance of the status conference. The court on its own motion continues the status conference to 3/30/21 at 1:30 p.m. No appearances are required on 2/16/21.

Party Information

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, February 16, 2021

Hearing Room 1675

1:30 PM

2:18-21855 Michael Richard Shapiro
Adv#: 2:19-01009 Vechery v. Shapiro

Chapter 7

#6.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 11/17/20, 12/15/20, 1/19/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 2/12/21. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The court will refer this matter to the court's mediation program, and mediation should be completed by 6/15/21. Regarding defendant's request that further proceedings be conducted by telephone or video conference, the court will be conducting hearings remotely for the time being as the federal courthouses in this district are currently closed for in person hearings. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

CONT... Michael Richard Shapiro

Chapter 7

appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 1/15/21. Off calendar. The court has reviewed the joint status report. In light of the recently filed amended complaint and answer thereto, the substitution of counsel for plaintiffs and the lack of recollection that the counsel ever conducted a LBR 7026-1 meeting, the court orders that the counsel conduct a LBR 7026-1 meeting within the next three weeks, file an updated joint status report on 2/9/21 and appear for a further status conference on 2/16/21 at 1:30 p.m. No appearances are required on 1/19/21 as the court continues the status conference to 2/16/21 at 1:30 p.m.

Revised and updated tentative ruling as of 8/3/20. The court has reviewed plaintiff's unilateral statement for the status conference filed on 8/3/20. Apparently, the mediation has not yet been conducted. According to plaintiff in his statement, he believes that an in person mediation would be more successful than one by videoconference, but defendant is not willing to have an in person mediation in light of current pandemic conditions, suggesting that the parties be allowed to complete an in person mediation by February 2021, assuming the pandemic subsides. Since the statement was unilateral, the court will hear from both parties as to the status of the pending mediation and the scheduling of further proceedings, including whether plaintiff intends to further amend the complaint as stated in its motion to extend discovery

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

CONT... Michael Richard Shapiro

Chapter 7

deadlines filed on 6/30/20. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 4/27/20. The court has reviewed plaintiff's unilateral status report and defendant's joinder and grants joint request to continue scheduling dates as follows: (1) discovery cutoff date extended from 3/31/20 to 6/30/20; (2) status report filing due date extended from 4/21/20 to 7/28/20; (3) status conference continued from 4/28/20 at 1:30 p.m. to 8/4/20 at 1:30 p.m.; and (4) mediation completion deadline extended from 4/28/20 to 8/4/20. Plaintiff to lodge a proposed updated scheduling order within 7 days.

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

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

CONT... Michael Richard Shapiro

Chapter 7

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, February 16, 2021

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

#7.00 Cont'd status conference re: Complaint to determine dischargeability of debtor
[11 U.S.C. §523(a)(6)]
fr. 1/28/20, 4/14/20, 12/15/20

Docket 1

***** VACATED *** REASON: Settled, adversary dismissed per stip &
order entered on 2/10/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding has been dismissed by reason of settlement. No appearances are required on 2/16/21.

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, February 16, 2021

Hearing Room 1675

1:30 PM

2:19-23477 Kristina Eva Arius

Chapter 7

Adv#: 2:20-01689 Ehrenberg, Chapter 7 Trustee v. Capstone Coatings & Windows, a California

#8.00 Status conference re: Complaint for: (1) entry of judgment against defendants and enforcement of restitution order; and (2) turnover of property

Docket 1

Tentative Ruling:

Off calendar. The court has reviewed the trustee's unilateral status report stating that default has been entered against defendants and that the trustee will be filing a motion for entry of default judgment, and requesting a 60-90 day continuance of the status conference for filing of the motion. The court on its own motion continues the status conference to 4/27/21 at 1:30 p.m. No appearances are required on 2/16/21.

Party Information

Debtor(s):

Kristina Eva Arius

Represented By
L. Tegan Rodkey

Defendant(s):

Capstone Coatings & Windows, a

Pro Se

Terrence Randolph Kenney

Pro Se

Jack Iskander Avedesian

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Chapter 7

Represented By
Claire K Wu

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Claire K Wu

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

2:20-16259 Coby J. Hollier

Chapter 7

Adv#: 2:20-01646 Strategic Funding Source, Inc.d/b/a Kapitus v. Hollier

#9.00 Cont'd status conference re: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(a)(4) and (a)(6) fr. 12/15/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/12/21. The trustee in his unilateral status report states that he is preparing a motion for default judgment. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

CONT...

Coby J. Hollier

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. Off calendar. The court has reviewed plaintiff's unilateral status report stating that it is preparing a motion for default judgment now that default has been entered against defendant and requesting a continuance of the status conference for consideration of the anticipated motion. The court on its own motion continues the status conference to 2/16/21 at 1:30 p.m. No appearances are required on 12/15/20.

Party Information

Debtor(s):

Coby J. Hollier

Represented By
Keith Q Nguyen

Defendant(s):

Coby J. Hollier

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.d/b/a

Represented By
Brian T Harvey

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, February 16, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#10.00 Status conference re: Complaint for non dischargeability of debt pursuant to 11 U.S.C. § 523(a)(2)(A) & §523(a)(6) and for discharge of bankruptcy pursuant to 11 U.S.C. § 727(a)(4)(A) & §727(a)(5)

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/16/21. The court has reviewed plaintiffs' unilateral status report filed on 2/15/21, stating that default was entered against defendant and that plaintiffs will be filing a motion for default judgment, and requesting a continuance of the status conference for plaintiffs to prepare and file a motion for default judgment. The court on its own motion continues the status conference to 4/27/21 at 1:30 p.m. and orders plaintiffs to file an updated status report by 4/20/21 if a motion for default judgment is not filed by that date. No appearances are required on 2/16/21.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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, February 16, 2021

Hearing Room 1675

1:30 PM

CONT... Fereidoun Chaparli

Chapter 7

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01687 Roozafzai et al v. Chaparli et al

#11.00 Status conference re: Complaint to determine non-dischargeability of debts/claims
[11 U.S.C. §§523(a)(2), 523(a)(4), and 523(a)(6)]

Docket 1

Tentative Ruling:

No tentative ruling as of 2/12/21. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Tuesday, February 16, 2021

Hearing Room 1675

1:30 PM

CONT... Fereidoun Chaparli

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

DOES 1-20

Pro Se

Plaintiff(s):

Hassan Roozafzai

Represented By
Shahrokh Mokhtarzadeh

Ghodsieh "Vida" Roozafzai

Represented By
Shahrokh Mokhtarzadeh

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, February 16, 2021

Hearing Room 1675

2:00 PM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#12.00 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. 10/27/20, 11/17/20, 1/12/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los

**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, February 16, 2021

Hearing Room 1675

2:00 PM

CONT...

Jong J Kim

Chapter 7

Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/17/20. The court has reviewed the unilateral pretrial stipulation and declaration filed by counsel for plaintiff. Regarding the statement of issues of law, the court is of the view that plaintiffs need to set out the specific legal issues for each claim that they are asserting. The court would prefer that the parties set out the elements of each claim or defense that they are asserting, and the court is considering requiring the parties to file trial briefs that set this out because the unilateral pretrial stipulation filed by plaintiff just sets out generic conclusory statements of the legal issues. The court is unclear the legal authority for plaintiffs' claims of attorneys' fees and interest since none are alleged in the complaint or the unilateral pretrial stipulation. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 8/14/20. No tentative ruling on the merits. Since the status conference was continued due to the failure of one counsel to appear and the court decided not to sanction the attorney for his nonappearance, the court expects that counsel has met and confer regarding rescheduling further proceedings in this matter to be discussed at the status conference on 8/18/20. Appearances are required on 8/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/1/20. No tentative ruling on the merits. Appearances are required on 5/5/20 to discuss the status of the adversary proceeding, including the status of mediation and settlement negotiations and if not settled, when a pretrial conference should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) declared a

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CONT...

Jong J Kim

Chapter 7

public health emergency in the State of California and the United States of America and the current national and local public health guidance to mitigate the spread of the disease through social distancing, on March 19, 2020, the United States District Court for the Central District of California issued General Order 20-042, which among other things closes all courthouses of the Central District of California to the public, including the Roybal Federal Building, through May 1, 2020, and accordingly, the court on its own motion continues the status conference in this adversary proceeding scheduled for March 31, 2020 at 1:30 p.m. to May 5, 2020 at 1:30 p.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on March 31, 2020 at 1:30 p.m. as the status conference is continued to May 5, 2020 at 1:30 p.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Counsel for plaintiff is ordered to give notice to the other parties.

Prior 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

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CONT...

Jong J Kim

Chapter 7

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 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

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CONT... **Jong J Kim**

Chapter 7

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
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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

2:12-17541 Christina M Morrison

Chapter 7

Adv#: 2:12-01710 LBS Financial CU, a California corporation v. Morrison

#13.00 Hearing re: Employee claim exemption (wage garnishment)

Docket 63

Tentative Ruling:

No tentative ruling as of 2/12/21. Creditor filed a notice of hearing on defendant's claim of exemption and a memorandum in support of opposition, but the copy of the claim of exemption attached to its proof of service of the writ of execution is partially obscured, and the court cannot see all of the information on the claim of exemption. Thus, the court is unable to meaningfully evaluate the claim of exemption and the objection thereto. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance

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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

CONT...

Christina M Morrison

Chapter 7

reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Christina M Morrison

Pro Se

Defendant(s):

Christina M Morrison

Pro Se

Plaintiff(s):

LBS Financial CU, a California

Represented By

Prenovost Normandin Bergh & Dawe

Thomas J Prenovost Jr

Karel G Rocha

Trustee(s):

Alberta P Stahl (TR)

Pro Se

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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#14.00 Hearing re: Motion for leave to amend adversary complaint

Docket 13

***** VACATED *** REASON: Cont'd from 2/16/21 to 3/16/21 at 2:30 p.m.
per order entered on 2/11/21-mb.**

Tentative Ruling:

Off calendar. Continued to 3/16/21 aty 2:30 p.m. by order entered on 2/11/21.
No appearances are required on 2/16/21.

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Defendant(s):

Wesley H Avery

Represented By
Brett B Curlee

Anerio Altman

Represented By
William J Wall

Does 1 - 20

Pro Se

Plaintiff(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee
Dennis E McGoldrick

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Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#15.00 Hearing re: Motion for an Evidentiary Hearing on What Debt was Dischargeable and Discharged; 2. Motion to Strike False Material Declarations and to Correct the Record; 3. Debtor is Redacting the False Declaration Written on His Behalf by His Former Attorney Anerio Altman; 4. Motion to Correct the Record to Prove a "Fraud Upon the Court"

Docket 22

***** VACATED *** REASON: Cont'd from 2/16/21 to 3/16/21 at 2:30 p.m.
per order entered on 2/11/21-mb.**

Tentative Ruling:

Off calendar. Continued to 3/16/21 aty 2:30 p.m. by order entered on 2/11/21.
No appearances are required on 2/16/21.

Party Information

Debtor(s):

Arturo Gonzalez	Pro Se
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Defendant(s):

Wesley H Avery	Represented By Brett B Curlee
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Anerio Altman	Represented By William J Wall
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Does 1 - 20	Pro Se
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Plaintiff(s):

Arturo Gonzalez	Pro Se
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Trustee(s):

Wesley H Avery (TR)	Represented By Brett B Curlee Dennis E McGoldrick
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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#16.00 Cont'd status conference re: Complaint for 1. damages to plaintiff, home been unnecessarily sold, 2. fraud upon the court, 3. bankruptcy proceeding be vacated due to a fraud upon the court
fr. 12/15/20, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 2/16/21 to 3/16/21 at 2:30 p.m.
per order entered on 2/11/21-mb.**

Tentative Ruling:

Off calendar. Continued to 3/16/21 aty 2:30 p.m. by order entered on 2/11/21.
No appearances are required on 2/16/21.

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Wesley H Avery Pro Se

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
Dennis E McGoldrick

**United States Bankruptcy Court
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2:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

#17.00 Hearing re: Motion of EPPS & Coulson LLP'S to withdraw as counsel for creditor Kevin Voong

Docket 403

Tentative Ruling:

Grant motion of Epps & Coulson, LLP to withdraw as counsel for creditor Kevin Voong. Appearances are required on 2/16/21 to discuss the form of order to serve on creditor with a warning that he will need to appear for himself or retain new counsel to represent his interests in this litigation, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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CONT... Kody Branch of California, Inc.

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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
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Hearing Room 1675

2:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01474 Avery v. Voong

#18.00 Hearing re: Motion of EPPS & Coulson LLP'S to withdraw as counsel for creditor Kevin Voong

Docket 44

Tentative Ruling:

Grant motion of Epps & Coulson, LLP to withdraw as counsel for defendant Kevin Voong. Appearances are required on 2/16/21 to discuss the form of order to serve on defendant with a warning that he will need to appear for himself or retain new counsel to defend his interests in this litigation, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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Tuesday, February 16, 2021

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2:30 PM

CONT... **Kody Branch of California, Inc.**

Chapter 7

call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Kevin Voong

Represented By
Dawn M Coulson

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

2:18-16237 Alvin Yap Edillor

Chapter 7

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

Docket 85

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 2/16/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Alvin Yap Edillor

Represented By
Philomena N Nzegge

Trustee(s):

Wesley H Avery (TR)

Represented By
Robert A Hessling

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Tuesday, February 16, 2021

Hearing Room 1675

2:30 PM

2:18-16237 Alvin Yap Edillor

Chapter 7

#20.00 Hearing re: Application for fees and expenses
[Robert A. Hessling, APC, Attorney for Chapter 7 Trustee]

Docket 83

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 2/16/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Alvin Yap Edillor

Represented By
Philomena N Nzegge

Trustee(s):

Wesley H Avery (TR)

Represented By
Robert A Hessling

**United States Bankruptcy Court
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Tuesday, February 16, 2021

Hearing Room 1675

3:00 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#21.00 Cont'd hearing re: Motion to compel discovery and court-ordered mediation and for sanctions
fr.1/19/21

Docket 16

Tentative Ruling:

No tentative ruling as of 2/12/21. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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**United States Bankruptcy Court
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Tuesday, February 16, 2021

Hearing Room 1675

3:00 PM

CONT... Richard Ochoa Telles

Chapter 7

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
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Tuesday, February 16, 2021

Hearing Room 1675

3:00 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#22.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 8/4/20, 1/12/21, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Tuesday, February 16, 2021

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3:00 PM

CONT...

Richard Ochoa Telles

Chapter 7

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By

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3:00 PM

CONT...

Richard Ochoa Telles

Steven Werth

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, February 17, 2021

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. 8/5/20, 10/28/20, 12/2/20

Docket 1

***** VACATED *** REASON: Cont'd from 2/17/21 to 4/7/21 at 11:00 a.m.
per stip & order entered on 2/12/21-pp**

Courtroom Deputy:

[Cont'd from 2/17/21 to 4/7/21 at 11:00 a.m. per stip & order entered on 2/12/21]

Tentative Ruling:

Off calendar. Continued by stipulation and order to 4/7/21 at 11:00 a.m. No appearances are required on 2/17/21.

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, February 17, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#2.00 Hearing re: Motion by Debtor for an Order: 1) Authorizing Debtor to Immediately Pay all Non-Insider Claims in Full; 2) Dismissing Debtor's Bankruptcy Case; and 3) Determining Debtor's Right to Recoup and/or Setoff Reciprocal Debt Against Epar Development LLC

Docket 546

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion by Debtor for an Order: 1) Authorizing Debtor to Immediately Pay all Non-Insider Claims in Full; 2) Dismissing Debtor's Bankruptcy Case; and 3) Determining Debtor's Right to Recoup and/or Setoff Reciprocal Debt Against Epar Development LLC for the reasons stated in the moving papers and for the lack of any outstanding timely written opposition to the motion pursuant to Local Bankruptcy Rule 9013-1(h). The court specifically finds that Debtor may set off the reciprocal debts between itself and creditor Epar Development LLC. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Dowent Family LLC

Chapter 11

court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Dowent Family LLC

Represented By
Todd C. Ringstad
Christopher Minier
Saul Reiss
Brian R Nelson

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

2:13-12977 Dowent Family LLC

Chapter 11

#2.20 Cont'd status conference re: Management of chapter 11 case
fr. 9/9/20, 1/20/21, 2/10/21

Docket 1

Courtroom Deputy:

[Cont'd from 2/10/21 to 2/17/21 at 11:00 a.m. per order entered on 2/5/21]

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Dowent Family LLC

Chapter 11

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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, February 17, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#3.00 Cont'd hearing re: Disclosure statement
fr. 6/3/20, 10/7/20, 12/2/20

Docket 174

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Curtis C. Magleby

Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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 17, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

Adv#: 2:16-01259 Magleby v. Magleby

#4.00 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. 6/3/20, 10/7/20, 12/2/20

Docket 1

***** VACATED *** REASON: Order dismissing adversary proceeding entered on 2/16/21-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. Off calendar. The adversary proceeding has been dismissed by stipulation. No appearances are necessary.

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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#5.00 Cont'd status conference re: Post confirmation of plan
fr. 12/2/20, 12/9/20, 2/16/20

Docket 119

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... People Who Care Youth Center, Inc. Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#6.00 Cont'd status conference re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee
fr. 2/19/20, 6/3/20, 8/19/20, 11/18/20

Docket 291

***** VACATED *** REASON: Cont'd from 2/17/21 to 4/14/21 at 11:00 a.m.
per stip & order entered on 12/3/20-mb.**

Courtroom Deputy:

[Cont'd from 2/17/21 to 4/14/21 at 11:00 a.m. per stip & order entered on
12/3/20]

Tentative Ruling:

Updated tentative ruling as of 2/16/21. Off calendar. Continued by stipulation
and order to 4/14/21 at 11:00 a.m. No appearances are required on 2/17/21.

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 17, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#7.00 Hearing re: Motion of EPPS & Coulson LLP'S to withdraw as counsel for creditor Kevin Voong

Docket 531

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion of Epps & Coulson, LLP to withdraw as counsel for creditor Kevin Voong. Appearances are required on 2/17/21 to discuss the form of order to serve on creditor with a warning that he will need to appear for himself or retain new counsel to represent his interests in this litigation, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT...

Catherine Trinh

Chapter 11

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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 17, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:18-01209 Voong v. Trinh

#8.00 Hearing re: Motion of EPPS & Coulson LLP'S to withdraw as counsel for Kevin Voong

Docket 110

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion of Epps & Coulson, LLP to withdraw as counsel for plaintiff Kevin Voong. Appearances are required on 2/17/21 to discuss the form of order to serve on plaintiff with a warning that he will need to appear for himself or retain new counsel to represent his interests in this litigation, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Catherine Trinh

Chapter 11

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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**

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#9.00 Cont'd hearing re: Second interim and final fee application of Foley & Lardner LLP for allowance of compensation and reimbursement of expenses for the second interim period of January 1, 2019 through and including November 30, 2020 and the final fee period from May 1, 2018 through November 30, 2020
fr. 1/20/21

Docket 261

***** VACATED *** REASON: Withdrawn per notice filed on 1/22/21-pp.**

Courtroom Deputy:

[Cont'd from 1/20/21 to 2/17/21 at 11:00 a.m. per order entered on 1/14/21]

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#9.10 Cont'd status conference re: Motion for contempt
fr. 7/1/20, 12/2/20, 2/3/21

Docket 205

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

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Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#9.20 Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution
fr. 7/1/20, 12/2/20, 2/3/21

Docket 103

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... **Shahriar Joseph Zargar and Shabnam Mesachi** Chapter 11

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Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#9.30 Cont'd status conference re: Management of chapter 11 case
fr. 7/1/20, 12/2/20, 2/3/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

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Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Shahriar Joseph Zargar and Shabnam Mesachi Chapter 11

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Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar
Adv#: 2:18-01144 Shadsirat v. Zargar et al

Chapter 11

- #9.40** 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. 7/1/20, 12/2/20, 2/3/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

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**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... **Shahriar Joseph Zargar**

Chapter 11

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/26/20. No tentative ruling on the merits. Appearances are required on 7/1/20 to discuss the status of the related state court litigation which may have an impact on this litigation, but counsel and self-represented parties must 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**

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#10.00 Cont'd technical pretrial conference re: Objection to claim no.1 filed by the Internal Revenue Service
fr. 9/16/20, 10/28/20, 1/13/21

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/11/20. No tentative ruling on the merits. Appearances are required on 9/16/20 to discuss the status of the mediation which the court had ordered, but counsel and self-represented parties must appear by telephone. The hearing will be conducted as a status conference, and not a pretrial conference.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through September 30, 2020, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Revised tentative ruling as of 7/7/20. No tentative ruling on the merits. Since the court approved the order referring the matter to mediation on 7/6/20, the court will discuss scheduling the mediation proceedings and sequencing with the evidentiary hearing. Parties to advise if they have been able to schedule an appointment with the selected mediator. Appearances are required on 7/8/20, but counsel and self-represented parties must 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, February 17, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#11.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/16/20, 10/28/20, 1/13/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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, February 17, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#12.00 Hearing re: Motion in Individual Chapter 11 Case for Order Approving a Budget for The Use of The Debtor's Cash and Postpetition Income

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deny motion without prejudice since it appears that the expenses are "ordinary course". A district court in Maryland observed that "some bankruptcy courts have found that individuals operating as Chapter 11 debtors-in-possession may use estate property on personal expenses without notice and a hearing so long as such expenses are in the 'ordinary course' rather than unusual or extraordinary." In re Massenburg, 554 B.R. 769, 755 (D. Md. 2016), citing, In re Seely, 492 B.R. 284, 290 (Bankr. C.D. Cal. 2013) (Bluebond, J.) and In re Bradley, 185 B.R. 7, 8–9 (Bankr. W.D.N.Y. 1995). Judge Bluebond in her opinion in Seely stated that an individual Chapter 11 debtor may use estate funds without court approval to pay for living expenses so long as such expenses were in the "ordinary course." 492 B.R. at 290. However, ordinary course means ordinary course. See In re Dant & Russell, Inc., 853 F.2d 700, 704–705 (9th Cir. 2008). Moreover, if the use of estate funds to pay Debtor's living expenses is not in the "ordinary course," such use is subject to the general requirements of 11 U.S.C. § 363(b)(1) and applicable case law. Id. That is, if the proposed use of estate funds for personal living expenses is not within the ordinary course of business, a debtor-in-possession (or trustee) may use, sell or lease estate property only after notice and a hearing and upon a showing of exercise of reasonable business judgment for such use outside the ordinary course of business. See, In re Mark Vincent Kaplan, No. 2:15–bk–16187 RK Chapter 11 (Bankr. C.D. Cal., order filed and entered on June 11, 2015) (Kwan, J.), citing, 3 March, Ahart and Shapiro, California Practice Guide: Bankruptcy, ¶¶ 14:75 and 14:595 at 14(I)–6 and 14(I) at 49 (2014), citing inter alia, In re Lionel Corp., 722 F.2d. 1063, 1070 (2nd Cir. 1983) and In re Ernest Home Ctr., Inc., 209 B.R. 974,

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

979 (Bankr. W.D. Wash. 1997).

Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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Party Information

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

Wednesday, February 17, 2021

Hearing Room 1675

11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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

Wednesday, February 17, 2021

Hearing Room 1675

11:30 AM

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. 10/29/20, 10/28/20, 1/13/21

Docket 1

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, February 17, 2021

Hearing Room 1675

11:30 AM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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**

Wednesday, February 17, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:19-01506 Trinh v. Second Generation, a California corporation

#14.00 Cont'd status conference re: Complaint for: (1) declaratory relief; (2) avoidance and recovery of preferential transfer; (3) recovery of property; (4) preservation of a preferential transfer; and (5) disallowance of claim
fr. 7/21/20, 10/20/20, 11/18/20

Docket 1

Courtroom Deputy:

[Cont'd from 11/18/20 to 2/17/21 at 11:30 a.m. per stip & order entered on 11/17/20]

Tentative Ruling:

Updated tentative ruling as of 2/16/21. No tentative ruling on the merits. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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

Wednesday, February 17, 2021

Hearing Room 1675

11:30 AM

CONT... Catherine Trinh

Chapter 11

before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Defendant(s):

Second Generation, a California

Pro Se

Plaintiff(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, February 18, 2021

Hearing Room 1675

9:00 AM

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

#1.00 CONT'D TRIAL BY ZOOM: 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. 9/30/20, 1/19/21, 1/28/21

Docket 1

Tentative Ruling:

The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 2/18/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

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

Thursday, February 18, 2021

Hearing Room 1675

9:00 AM

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**

Thursday, February 18, 2021

Hearing Room 1675

9:00 AM

2:19-15356 Ara Ohannes Keyllian

Chapter 7

Adv#: 2:19-01267 Ayrapetyan v. Keyllian

#2.00 TRIAL BY ZOOM 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)
fr. 6/30/20, 8/18/20, 11/10/20

Docket 1

***** VACATED *** REASON: Settled and dismissed by stip and order entered on 2/9/21-mb.**

Tentative Ruling:

Off calendar. Adversary proceeding settled and dismissed by stipulation and order. No appearances are necessary.

Party Information

Debtor(s):

Ara Ohannes Keyllian

Represented By
Eileen Keusseyan

Defendant(s):

Ara Keyllian

Pro Se

Plaintiff(s):

Anahid Ayrapetyan

Represented By
Linnet 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**

Friday, February 19, 2021

Hearing Room 1675

9:00 AM

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

#1.00 CONT'D TRIAL BY ZOOM: 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. 1/19/21, 1/28/21, 2/18/21

Docket 1

Tentative Ruling:

The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 1/28/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Ammec, Inc.

Pro Se

Greta Curtis

Pro Se

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

Friday, February 19, 2021

Hearing Room 1675

9:00 AM

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**

Friday, February 19, 2021

Hearing Room 1675

9:00 AM

2:19-15356 Ara Ohannes Keyllian

Chapter 7

Adv#: 2:19-01267 Ayrapetyan v. Keyllian

#2.00 TRIAL BY ZOOM 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)
fr. 6/30/20, 8/18/20, 11/10/20, 2/18/21

Docket 1

***** VACATED *** REASON: Settled and dismissed by stip and order entered on 2/9/21-mb.**

Tentative Ruling:

Off calendar. Adversary proceeding settled and dismissed by stipulation and order. No appearances are necessary.

Party Information

Debtor(s):

Ara Ohannes Keyllian

Represented By
Eileen Keusseyan

Defendant(s):

Ara Keyllian

Pro Se

Plaintiff(s):

Anahid Ayrapetyan

Represented By
Linnet 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**

Wednesday, February 24, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#1.00 Cont'd order to show cause why this bankruptcy case should not be converted to chapter 7, dismissed or a chapter 11 trustee appointed and to stay proceedings in contested matters of debtor's objection to claim of Ghazar Zehnaly and second interim fee application of Foley & Lardner, LLP
fr. 2/10/21

Docket 734

Tentative Ruling:

No updated tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los

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

Wednesday, February 24, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must 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, February 24, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#2.00 Cont'd discovery dispute conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly
fr. 11/16/20, 12/17/20, 2/20/21

Docket 343

Tentative Ruling:

No updated tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall

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

Wednesday, February 24, 2021

Hearing Room 1675

11:00 AM

CONT... **Sarkis Investments Company, LLC**

Chapter 11

operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/16/20. Given the escalating costs of litigation of this bankruptcy case without a reasonable prospect of rehabilitation and the resulting diminution of the remaining assets of the estate, the court is considering staying the proceedings of this contested matter and issuing an order to show cause why this bankruptcy case should not be converted to Chapter 7 or a trustee appointed pursuant to 11 U.S.C. 1112(b)(4)(A). Appearances are required on 12/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 11/10/20. No tentative ruling on the merits. Appearances are required on 11/16/20, but counsel and self-represented parties must appear by telephone.

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

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

Wednesday, February 24, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

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 24, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#3.00 Cont'd status conference re: Management of chapter 11 case
fr. 10/28/20, 1/20/21, 2/10/21

Docket 1

Tentative Ruling:

No tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large

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

Wednesday, February 24, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

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**

Thursday, February 25, 2021

Hearing Room 1675

9:00 AM

2:19-15356 Ara Ohannes Keyllian

Chapter 7

Adv#: 2:19-01267 Ayrapetyan v. Keyllian

#1.00 TRIAL BY ZOOM 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)
fr. 11/10/20, 2/18/21, 2/19/21

Docket 1

***** VACATED *** REASON: Settled and dismissed by stip and order entered on 2/9/21-mb.**

Tentative Ruling:

Off calendar. Adversary proceeding settled and dismissed by stipulation and order. No appearances are necessary.

Party Information

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**

Friday, February 26, 2021

Hearing Room 1675

9:00 AM

2:19-15356 Ara Ohannes Keyllian

Chapter 7

Adv#: 2:19-01267 Ayrapetyan v. Keyllian

#1.00 TRIAL BY ZOOM 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)
fr. 11/10/20, 2/18/21, 2/19/21, 2/25/21

Docket 1

***** VACATED *** REASON: Settled and dismissed by stip and order entered on 2/9/21-mb.**

Tentative Ruling:

Off calendar. Adversary proceeding settled and dismissed by stipulation and order. No appearances are necessary.

Party Information

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, March 2, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607231180>

ZoomGov meeting number: 160 723 1180

Password: 805623

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Tuesday, March 2, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 2, 2021

Hearing Room 1675

10:30 AM

2:19-24787 Bradley Edward Barnes and Allison Platz Barnes

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(WVBAGD, LLC VS Debtors)

Docket 83

***** VACATED *** REASON: Settled by stipulation per order entered on
2/17/21-pp.**

Tentative Ruling:

Off calendar. The motion is resolved by stipulation and order. No
appearances are required on 3/2/21.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

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, March 2, 2021

Hearing Room 1675

10:30 AM

2:20-13074 Wiseman Construction Pros, Inc.

Chapter 7

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

Docket 40

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 3/2/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Wiseman Construction Pros, Inc.

Represented By
Paul M Brent

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 2, 2021

Hearing Room 1675

10:30 AM

2:20-20982 Carolyn R Colinares

Chapter 7

#3.00 Hearing re: Motion for relief from stay
(Toyota Lease Trust VS Debtor)

Docket 11

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 3/2/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Carolyn R Colinares

Represented By
Eliza Ghanooni

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Austin P Nagel

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 2, 2021

Hearing Room 1675

11:00 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#4.00 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. 12/8/20, 1/5/21, 1/12/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/24/21. No tentative ruling on the merits.
Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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, March 2, 2021

Hearing Room 1675

11:00 AM

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, March 2, 2021

Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#5.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 6/30/20, 1/21/21, 2/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 2, 2021

Hearing Room 1675

1:30 PM

CONT...

MINSEOK LEE

Chapter 7

court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the

**United States Bankruptcy Court
Central District of California
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Tuesday, March 2, 2021

Hearing Room 1675

1:30 PM

CONT... MINSEOK LEE

Chapter 7

spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

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, March 2, 2021

Hearing Room 1675

1:30 PM

2:19-24787 Bradley Edward Barnes

Chapter 7

Adv#: 2:20-01064 WVJP 2017-1, LP v. Barnes et al

#6.00 Cont'd hearing re: Motion to dismiss the complaint and/or for a more definite statement under Fed.R.Bankr.P. 7009 fr. 10/27/20, 12/1/20

Docket 14

Tentative Ruling:

Off calendar. The motion was granted by prior order. No appearances are required on 3/2/21.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Defendant(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Allison Platz Barnes

Represented By
Susan I Montgomery

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

Plaintiff(s):

WVJP 2017-1, LP

Represented By
Joseph Chora
Cameron H Totten

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, March 2, 2021

Hearing Room 1675

1:30 PM

2:19-24787 Bradley Edward Barnes

Chapter 7

Adv#: 2:20-01064 WVJP 2017-1, LP v. Barnes et al

- #7.00** Cont'd status conference re: Complaint for 1. for false pretenses, a false representation or actual fraud pursuant to 11 U.S.C. §523(a)(6); in the alternative 2. for false pretenses, a false representation or actual fraud pursuant to 11 U.S.C. §523(a)(2)(A); 3. for false pretenses, a false representation or actual fraud pursuant to 11 U.S.C. §523(a)(2)(B); 4. for willful and malicious injury Y 11 U.S.C. §523(a)(6); 5. for determination that defendant's debts are not dischargeable pursuant to 11 U.S.C. §727(a)(2); 6. for a determination that defendant's debts are not dischargeable pursuant to 11 U.S.C. §727(a)(3); 7. for a determination that defendant's debts are not dischargeable pursuant to 11 U.S.C. §727(a)(4); and 8. for a determination that defendant's debts are not dischargeable pursuant to 11 U.S.C. §727(a)(5)
fr. 10/6/20, 10/27/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 11/30/20 at 6:30 p.m. Since the parties filed their last joint status report on 10/15/20, there have been developments that will affect the course of this adversary proceeding which the parties did not expect to occur before the status conference then scheduled for 10/27/20. First, as indicated by plaintiff on the case docket on 11/24/20, the state court appeal has been decided, which reversed the trial court's order setting aside the default judgment as to Mr. Barnes, the remaining defendant named in the second amended complaint. The appellate decision reinstates the default judgment against him liquidating the debt owed to plaintiff's predecessor-in-interest, Dove Street. Mr. Barnes could seek to move to set aside the default judgment on remand, which was determined to be voidable and not void. However, further stay relief would appear to be required since this court only granted limited stay relief for the state court appeal to proceed and did not

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 2, 2021

Hearing Room 1675

1:30 PM

CONT... Bradley Edward Barnes

Chapter 7

grant stay relief for further proceedings in the state trial court. The court could permissively abstain under 28 U.S.C. 1334(c)(1) and grant stay relief to allow the state trial court to determine any further motion of Mr. Barnes to set aside the default judgment and stay this adversary proceeding until the state court determines the underlying debt, and then determine debt dischargeability afterwards. See *In re Oroojian*, Adv. No. 2:20-ap-01020 RK, 2020 WL 2201939 (Bankr. C.D. Cal., May 5, 2020); see also, *In re Eber*, 687 F.3d 1123, 1128 and n. 5 (9th Cir. 2012) (bankruptcy court has exclusive jurisdiction over debt dischargeability claims under 11 U.S.C. 523(a)(2), (4) and (6), citing 11 U.S.C. 523(c)). That is, at this time, the default judgment stands unless Mr. Barnes brings a further motion to set it aside. If he brings such a motion and prevails, then it would be up to plaintiff to consider litigating the merits of the claims of its predecessor-in-interest to prove up such claims. If he brings such a motion and does not prevail, then presumably, the default judgment would be final and entitled to res judicata as to liquidation of the debt owed by Mr. Barnes to plaintiff. However, whether the state court judgment has collateral estoppel effect as to debt dischargeability under 11 U.S.C. 523(a)(6) remains to be litigated in this court in this adversary proceeding.

Assuming that the court adopts its tentative ruling on defendant's motion to dismiss also on calendar on 12/1/20 and denies the motion, and the court does not abstain from determining the merits of the underlying alleged debts as discussed above, the court will set a discovery cutoff date of 5/31/20 and a postdiscovery status conference on 6/15/21 at 1:30 p.m. with a joint status report due on 6/8/21. No tentative ruling on whether this matter should be referred to mediation. Plaintiff to lodge a proposed scheduling order within 7 days of hearing.

Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. The court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted with continued hearings on defendant's motion to dismiss and for sanctions as it appears that the parties contemplated that the status conference on the same day as the

**United States Bankruptcy Court
Central District of California
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Tuesday, March 2, 2021

Hearing Room 1675

1:30 PM

CONT... Bradley Edward Barnes

Chapter 7

hearings on the motions which were continued would also be continued, although the status conference was not specifically referenced in the stipulation. No appearances are required on 10/27/20.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Defendant(s):

Bradley Edward Barnes

Pro Se

Allison Platz Barnes

Pro Se

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

Plaintiff(s):

WVJP 2017-1, LP

Represented By
Joseph Chora

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 2, 2021

Hearing Room 1675

2:00 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#8.00 Pretrial conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2) (B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(l) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. § 542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(l) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. § 105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g) fr. 10/20/20, 12/8/20

Docket 1

***** VACATED *** REASON: Pretrial conference vacated per order entered on 1/15/2021-mb**

Tentative Ruling:

The court has reviewed the joint status report. Set a discovery cutoff date of 1/31/21 and a post-discovery status conference for 2/16/21 at 1:30 p.m. A joint status report must filed by 2/9/21. Alternatively, the court could set a pretrial conference instead of the post-discovery status conference. Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By

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

Tuesday, March 2, 2021

Hearing Room 1675

2:00 PM

CONT... Ki Hyong Kim

Chapter 7

Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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 2, 2021

Hearing Room 1675

2:00 PM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#8.10 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. 11/17/20, 1/12/21, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/1/21. The court has reviewed the joint pretrial stipulation of the parties. The parties should be prepared to discuss scheduling, including when the trial should begin, and when they can file the trial declarations of their witnesses constituting their direct testimony. Otherwise, no tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/17/20. The court has reviewed the unilateral pretrial stipulation and declaration filed by counsel for plaintiff. Regarding the statement of issues of law, the court is of the view that plaintiffs need to set out the specific legal issues for each claim that they are asserting. The court would prefer that the parties set out the elements of each claim or defense that they are asserting, and the court is considering requiring the parties to file trial briefs that set this out because the unilateral pretrial stipulation filed by plaintiff just sets out generic conclusory statements of the legal issues. The court is unclear the legal authority for plaintiffs' claims of attorneys' fees and interest since none are alleged in the complaint or the unilateral pretrial stipulation. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 8/14/20. No tentative ruling on the merits.

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

2:00 PM

CONT...

Jong J Kim

Chapter 7

Since the status conference was continued due to the failure of one counsel to appear and the court decided not to sanction the attorney for his nonappearance, the court expects that counsel has met and confer regarding rescheduling further proceedings in this matter to be discussed at the status conference on 8/18/20. Appearances are required on 8/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/1/20. No tentative ruling on the merits.

Appearances are required on 5/5/20 to discuss the status of the adversary proceeding, including the status of mediation and settlement negotiations and if not settled, when a pretrial conference should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) declared a public health emergency in the State of California and the United States of America and the current national and local public health guidance to mitigate the spread of the disease through social distancing, on March 19, 2020, the United States District Court for the Central District of California issued General Order 20-042, which among other things closes all courthouses of the Central District of California to the public, including the Roybal Federal Building, through May 1, 2020, and accordingly, the court on its own motion continues the status conference in this adversary proceeding scheduled for March 31, 2020 at 1:30 p.m. to May 5, 2020 at 1:30 p.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on March 31, 2020 at 1:30 p.m. as the status conference is continued to May 5, 2020 at 1:30 p.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Counsel for plaintiff is ordered to give notice to the other parties.

Prior tentative ruling as of 10/21/19. Appearances are required on 10/22/19, but counsel may appear by telephone.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 2, 2021

Hearing Room 1675

2:00 PM

CONT... Jong J Kim

Chapter 7

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 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

**United States Bankruptcy Court
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Tuesday, March 2, 2021

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2:00 PM

CONT...

Jong J Kim

Chapter 7

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 2, 2021

Hearing Room 1675

2:30 PM

2:17-24993 Mary Katherine Cummins-Cobb

Chapter 7

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

#9.00 Hearing re: Defendant 's motion to dismiss

Docket 191

***** VACATED *** REASON: Denied per order entered on 2/8/21-mb.**

Tentative Ruling:

Off calendar. The motion was denied on the papers by prior order entered on 2/8/21. No appearances are required on 3/2/21.

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, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-20650 Drew Cares International

Chapter 7

#10.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Peter J. Mastan, Chapter 7 Trustee]

Docket 33

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Drew Cares International

Represented By
Leslie A Cohen

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-20650 Drew Cares International

Chapter 7

#11.00 Hearing re: Application for fees and expenses
[LEA Accountancy, LLP, Accountant for Chapter 7 Trustee]

Docket 30

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Drew Cares International

Represented By
Leslie A Cohen

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, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-23924 Raymond John Khamo

Chapter 7

#12.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[John J. Menchaca, Chapter 7 Trustee]

Docket 56

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Raymond John Khamo

Represented By
Sam Benevento

Trustee(s):

John J Menchaca (TR)

Represented By
Toan B Chung

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

Tuesday, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-23924 Raymond John Khamo

Chapter 7

#13.00 Hearing re: Application for fees and expenses
[Roquemore, Pringle and Moore, Inc., Attorney for Chapter 7 Trustee]

Docket 54

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f)((3) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Raymond John Khamo

Represented By
Sam Benevento

Trustee(s):

John J Menchaca (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 2, 2021

Hearing Room 1675

2:30 PM

2:20-19915 Marius Hickman

Chapter 7

#14.00 Hearing re: Motion to Avoid Lien Judicial Lien with Video Symphony LLC

Docket 9

Tentative Ruling:

Grant debtor's motion to avoid lien for the reasons stated in the moving papers because creditor's purported judgment lien does not attach to the personal property collateral claimed as exempt pursuant to California Code of Civil Procedure § 703.140 as: (1) the purported judgment lien based on an abstract of judgment recorded with the Los Angeles County Recorder on 12/21/20 after debtor filed his bankruptcy case on 11/2/20, which recordation to perfect the lien was in violation of the automatic stay under 11 U.S.C. § 362(a)(4) and is thus void; (2) the purported judgment lien based on an abstract of judgment recorded with the county recorder would only attach to real property owned by debtor pursuant to California Code of Civil Procedure § 697.310(a), and does not attach to the personal property collateral claimed as exempt in the motion as creditor would have had to file a notice of judgment lien with the California Secretary of State to perfect a judgment lien in personal property pursuant to California Code of Civil Procedure § 697.510(a) or levy on the personal property by a writ of execution pursuant to California Code of Civil Procedure § 687.010. While creditor may have a claim for a nondischargeable debt, it cannot rely upon a judgment lien here to collect the claim on the exempt collateral. Accordingly, the purported judgment lien is avoidable as to the personal property claimed as exempt in the motion pursuant to 11 U.S.C. §522(f).

Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Marius Hickman

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 2, 2021

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2:30 PM

CONT... Marius Hickman

Chapter 7

R Grace Rodriguez

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 2, 2021

Hearing Room 1675

2:30 PM

2:19-23967 Juan Gesmundo Oseo and Edna Ognilla Oseo

Chapter 7

#15.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[John J. Menchaca, Chapter 7 Trustee]

Docket 68

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Juan Gesmundo Oseo

Represented By
Roxanne Bonar

Joint Debtor(s):

Edna Ognilla Oseo

Represented By
Roxanne Bonar

Trustee(s):

John J Menchaca (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-23967 Juan Gesmundo Oseo and Edna Ognilla Oseo

Chapter 7

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

Docket 66

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Juan Gesmundo Oseo

Represented By
Roxanne Bonar

Joint Debtor(s):

Edna Ognilla Oseo

Represented By
Roxanne Bonar

Trustee(s):

John J Menchaca (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
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Tuesday, March 2, 2021

Hearing Room 1675

2:30 PM

2:19-23967 Juan Gesmundo Oseo and Edna Ognilla Oseo

Chapter 7

#17.00 Hearing re: Application for fees and expenses
[Weiland Golden Goodrich LLP, Attorney for Chapter 7 Trustee]

Docket 65

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f)(3) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/2/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Juan Gesmundo Oseo

Represented By
Roxanne Bonar

Joint Debtor(s):

Edna Ognilla Oseo

Represented By
Roxanne Bonar

Trustee(s):

John J Menchaca (TR)

Represented By
David M Goodrich

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

Tuesday, March 9, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1601437296>

ZoomGov meeting number: 160 143 7296

Password: 917501

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
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Tuesday, March 9, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#1.00 Cont'd hearing re: Plaintiff's motion to compel discovery responses and for related relief fr. 2/2/21

Docket 44

Tentative Ruling:

Updated tentative ruling as of 3/8/21. Regarding plaintiff's motion to compel discovery, the court tentatively rules as follows:

1. Interrogatory No. 1 - Deny as defendant provided a response, the interrogatories relate to requests for admissions, copies of which and the responses were not provided in the motion or stipulation in order to be meaningfully discussed at the hearing, and plaintiff does not request any other specific relief regarding this interrogatory in the stipulation.
2. Interrogatory No. 19 - Deny as defendant provided a response, but plaintiff argues that the response is inconsistent with defendant's prior statements. Inconsistency is something plaintiff can argue at trial rather than compelling a response that has been given.
3. Requests for Production of Documents - No tentative ruling. On one hand, plaintiff fails to address whether defendant's supplemental production of documents in Bates stamped pages SP000001-000083 and SP000084-000116 are responsive to his document production requests. Plaintiff did not provide copies of these documents as part of the stipulation in order for them to be meaningfully discussed at the hearing as responsive or not. On the other hand, the court agrees with plaintiff that defendant's arguments that plaintiff already has the documents and that she cannot get the documents lack merit as plaintiff has shown that he does not have the documents and defendant has no excuse why she cannot obtain the documents from her state court family law counsel.
4. Defendant's verification of interrogatory answers - No tentative ruling. Although raised in the motion, it is unclear whether this remains an issue as it

**United States Bankruptcy Court
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Tuesday, March 9, 2021

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11:00 AM

CONT... Eui Joon Park

Chapter 7

is not mentioned in the discovery dispute stipulation.

The court notes that plaintiff failed to comply with Local Bankruptcy Rule 5005-2(d) requiring service of a judge's copy of the stipulation which is not indicated on the proof of service as the stipulation exceeding 25 pages does not qualify for the pandemic exclusion of Amended General Order 20-06, filed on September 11, 2021. Counsel is admonished to read and comply with the Local Rules.

Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
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Los Angeles
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Tuesday, March 9, 2021

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11:00 AM

CONT... Eui Joon Park

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#2.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 10/27/20, 11/17/20, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. Plaintiff must report on the status of his efforts to file a motion for default judgment as he has been intending to file such motion for about a year. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/13/20. No tentative ruling on the merits. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Prior tentative ruling as of 10/22/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment by 11/10/20. Based on this representation, the court on its own motion continues the status conference to 11/17/20 at 1:30 p.m. to allow additional time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 10/27/20.

Prior tentative ruling as of 7/31/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment, but the gathering of documents in support thereof is taking longer than anticipated in light of the current situation, though he is hopeful that the motion can be filed within 60 days. Based on these representations, the court on its own motion continues the status conference to 10/27/20 at 1:30 p.m. to allow time for plaintiff to finish his preparation of a motion for

**United States Bankruptcy Court
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1:30 PM

CONT... Dean Henrik Okland

Chapter 7

default judgment. No appearances are required on 8/4/20.

Prior tentative ruling as of 5/22/20. Appearances are required on 5/26/20 to discuss the status of plaintiff's motion for default judgment and when other further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. The court has reviewed plaintiff's unilateral status report filed on 3/16/20, stating that he will be filing a motion for default judgment shortly. The court on its own motion continues the status conference for about 60 days to 5/26/20 at 1:30 p.m. to allow time for plaintiff to prepare and file his motion for default judgment. No appearances are required on 3/31/20.

Prior 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.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Chuck Dorfman	Represented By David S Hagen
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Trustee(s):

Howard M Ehrenberg (TR)	Represented By Jeffrey S Shinbrot
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

2:00 PM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#3.00 Post discovery 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. 4/30/20, 7/21/20, 9/29/20

Docket 1

Tentative Ruling:

Off calendar. In light of the pending settlement, the court on its own motion continues this hearing to the date and time of the further status conference on 3/30/21 at 11:00 a.m. No appearances are required on 3/9/21.

Party Information

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

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
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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, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

#4.00 Cont'd hearing re: Motion of chapter 7 trustee for summary judgment against George Shemtov
fr. 12/1/20, 1/19/21

Docket 29

***** VACATED *** REASON: Cont'd from 3/9/21 to 4/27/21 at 2:30 p.m.
per stip & order entered on 2/24/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 3/9/21 at 2:30 p.m. No appearances are required on 1/19/21.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

George Shemtov

Represented By
Keith F Rouse

Movant(s):

David M. Goodrich

Represented By
Faye C Rasch

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, March 9, 2021

Hearing Room 1675

2:30 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, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

- #5.00** 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. 11/10/20, 12/1/20, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. The court also notes that the hearing on plaintiff's pending summary judgment motion is continued to 3/9/21 at 2:30 p.m. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these

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CONT... SOCALDEAL INC

Chapter 7

developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

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
Weiland Golden Goodrich LLP

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

Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01277 Goodrich v. Shemtov

#6.00 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. 11/10/20, 12/1/20, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to

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CONT... SOCALDEAL INC

Chapter 7

12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

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
Weiland Golden Goodrich LLP

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

Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01278 Goodrich v. Shemtov

- #7.00** 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. 11/10/20, 12/1/20, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... SOCALDEAL INC

Chapter 7

12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

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
Weiland Golden Goodrich LLP

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01279 Goodrich v. Shemtov

#8.00 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. 11/10/20, 12/1/20, 1/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to

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Los Angeles
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CONT... SOCALDEAL INC

Chapter 7

12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

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
Weiland Golden Goodrich LLP

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-20957 Raza Kazmi and Maha Rehman

Chapter 7

#9.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[John J. Menchaca, Chapter 7 Trustee]

Docket 91

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Raza Kazmi

Represented By
Richard T Baum
Maureen Strube

Joint Debtor(s):

Maha Rehman

Represented By
Richard T Baum
Maureen Strube

Trustee(s):

John J Menchaca (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:18-20957 Raza Kazmi and Maha Rehman

Chapter 7

#10.00 Hearing re: Application for fees and expenses
[Weiland Golden Goodrich LLP, Attorney for Chapter 7 Trustee]

Docket 86

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Raza Kazmi

Represented By
Richard T Baum
Maureen Strube

Joint Debtor(s):

Maha Rehman

Represented By
Richard T Baum
Maureen Strube

Trustee(s):

John J Menchaca (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-17471 Maria Emilia Chavez and Abel Chavez Bautista

Chapter 7

#11.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[John J. Menchaca, Chapter 7 Trustee]

Docket 75

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Maria Emilia Chavez

Pro Se

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-17471 Maria Emilia Chavez and Abel Chavez Bautista

Chapter 7

#12.00 Hearing re: Application for fees and expenses
[Law Offices of Wesley H. Avery, Attorney for Chapter 7 Trustee]

Docket 73

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Maria Emilia Chavez

Pro Se

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-17471 Maria Emilia Chavez and Abel Chavez Bautista

Chapter 7

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

Docket 72

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Maria Emilia Chavez

Pro Se

Trustee(s):

John J Menchaca (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-25098 Kathryn Lynn Printy

Chapter 7

#14.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[John J. Menchaca, Chapter 7 Trustee]

Docket 76

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Kathryn Lynn Printy

Represented By
Dennis E McGoldrick

Trustee(s):

John J Menchaca (TR)

Represented By
Aram Ordubegian
Annie Y Stoops
M Douglas Flahaut

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

Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-25098 Kathryn Lynn Printy

Chapter 7

#15.00 Hearing re: Application for fees and expenses
[Arent Fox LLP, Attorney for Chapter 7 Trustee]

Docket 70

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Kathryn Lynn Printy

Represented By
Dennis E McGoldrick

Trustee(s):

John J Menchaca (TR)

Represented By
Aram Ordubegian
Annie Y Stoops
M Douglas Flahaut

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

Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:19-25098 Kathryn Lynn Printy

Chapter 7

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

Docket 73

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Kathryn Lynn Printy

Represented By
Dennis E McGoldrick

Trustee(s):

John J Menchaca (TR)

Represented By
Aram Ordubegian
Annie Y Stoops
M Douglas Flahaut

**United States Bankruptcy Court
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Los Angeles
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Tuesday, March 9, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

#17.00 Cont'd hearing re: Application by chapter 7 trustee to employ Keller Williams as real estate broker
fr. 1/12/21, 2/2/21

Docket 33

***** VACATED *** REASON: Cont'd from 3/9/21 to 5/4/21 at 2:30 p.m. per stip & order entered on 2/26/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/5/21. Off calendar. Continued by stipulation and order to 5/4/21 at 2:30 p.m. No appearances are required on 3/9/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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, March 9, 2021

Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#18.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 12/8/20, 1/12/21, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/9/21 to 5/4/21 at 2:30 p.m. per stip & order entered on 2/26/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/5/21. Off calendar. Continued by stipulation and order to 5/4/21 at 2:30 p.m. No appearances are required on 3/9/21.

Prior tentative ruling as of 1/11/21. No tentative ruling on the merits. The court will discuss with the parties whether they would proceed to trial on stipulated facts or file cross-motions for summary judgment, and other matters pertaining to the status of the matter, including the pending motion of defendant Yu to set aside default.

Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. The court has reviewed the joint status report. Set a

**United States Bankruptcy Court
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2:30 PM

CONT... Ki Hyong Kim

Chapter 7

discovery cutoff date of 1/31/21 and a post-discovery status conference for 2/16/21 at 1:30 p.m. A joint status report must be filed by 2/9/21. Alternatively, the court could set a pretrial conference instead of the post-discovery status conference. Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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 9, 2021

Hearing Room 1675

2:30 PM

2:20-15756 Soo Mi Ko

Chapter 7

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

Docket 26

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/9/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Soo Mi Ko

Represented By
Young K Chang

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, March 9, 2021

Hearing Room 1675

2:30 PM

2:20-17954 V.P. Manufacturing, Inc.

Chapter 7

#20.00 Hearing re: Motion to allow administrative expense

Docket 46

***** VACATED *** REASON: Cont'd from 3/9/21 to 4/6/21 at 2:30 p.m. per
stip & order entered on 2/23/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 4/6/21 at 2:30 p.m. No appearances are required on 3/9/21.

Party Information

Debtor(s):

V.P. Manufacturing, Inc.

Represented By
Mark T Young
David M Goodrich

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich

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

Tuesday, March 9, 2021

Hearing Room 1675

3:00 PM

2:14-29611 Nikolay Machevsky

Chapter 7

#21.00 Status conference re: Motion to allow supplemental administrative expense claim of Data Leverage, LLC fr. 12/8/20, 1/15/21

Docket 121

Tentative Ruling:

Updated tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 12/28/20. The Court hereby provides notice to the parties to this contested matter that the Court will hold the evidentiary hearing on claimant's motion for allowance of administrative expense claim on **January 15, 2021 at 12:00 p.m. (noon)**, which will be conducted via Zoom for Government. Participants will be connected to the courtroom using Zoom for Government but will not be physically present in the courtroom. Participants must connect to the Zoom for Government courtroom no later than 11:50 a.m. and check in with the law clerk/DECRO. If a trial participant is having problems connecting to the trial, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Video. Utilize the following link: <https://cacb.zoomgov.com/j/1617360264>

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

b. Audio only. Audio-only participants must call into Zoom for Government by calling:

+1 669 254 5252, or +1 646 828 7666;

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

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

Tuesday, March 9, 2021

Hearing Room 1675

3:00 PM

CONT...

Nikolay Machevsky

Chapter 7

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes' and 'including' are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e., \$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers

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

Tuesday, March 9, 2021

Hearing Room 1675

3:00 PM

CONT...

Nikolay Machevsky

Chapter 7

indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

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**

Wednesday, March 10, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1600276135>

ZoomGov meeting number: 160 027 6135

Password: 354077

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, March 10, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, March 10, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#1.00 Hearing re: Second and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses

Docket 279

Tentative Ruling:

Updated tentative ruling as of 3/8/21. Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the debtor in possession, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/10/21. Applicant to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz
David B Golubchik

Movant(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, March 10, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#2.00 Hearing re: First and final application of Unchained Financial Services, Inc. for approval of fees and reimbursement of expenses

Docket 280

Tentative Ruling:

Updated tentative ruling as of 3/8/21. Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the debtor in possession, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/10/21. Applicant to lodge a proposed order within 7 days of hearing.

No tentative ruling as of 3/5/21. Appearances are required on 3/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 10, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#3.00 Hearing re: Motion for entry of final decree closing debtor's Chapter 11 case

Docket 283

Tentative Ruling:

Updated tentative ruling as of 3/8/21. Off calendar. In light of the lack of any timely written opposition to the motion of the debtor in possession for entry of final decree closing the Chapter 11 case, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and approves the motion for the reasons stated in the motion and for lack of timely written opposition. No appearances are required on 3/10/21. Debtor in possession to lodge a proposed order within 7 days of hearing.

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, March 10, 2021

Hearing Room 1675

11:00 AM

2:18-10290 People Who Care Youth Center, Inc.

Chapter 11

#3.10 Cont'd status conference re: Post confirmation of plan
fr. 12/9/20, 2/16/20, 2/17/21

Docket 119

Tentative Ruling:

Updated tentative ruling as of 3/8/21. Off calendar. Since the court has announced its tentative ruling that it is granting the motion of the debtor in possession for entry of final decree closing the Chapter 11 case, the status conference will be moot. No appearances are required on 3/10/21.

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, March 10, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#4.00 Hearing re: Motion to dismiss or convert case

Docket 142

Tentative Ruling:

Updated tentative ruling as of 3/10/21. This matter is continued to 3/17/21 at 11:00 a.m.

Updated tentative ruling as of 3/8/21. The court will treat the motion of the United States to dismiss or convert case as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since the grounds of the motion based on plan infeasibility presents disputed issues of material fact that must be resolved by evidentiary hearing. Since this case is now 2 1/2 years, the court will require debtor to file a disclosure statement and plan and proceed with plan confirmation while litigating the merits of his objection to the tax claims of the IRS at the same time. The court suggests that a trial on plan confirmation and the merits of the objection to the tax claims be scheduled for July 2021. Debtor will need to file a plan and disclosure statement by April 2021. Appearances are required on 3/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 10, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#5.00 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 2/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/10/21. This matter is continued to 3/17/21 at 11:00 a.m.

Updated tentative ruling as of 3/8/21. Debtor must appear and report on the status of the case, particularly regarding the filing of the plan due on 3/8/21 pursuant to 11 U.S.C. 1189(b). If no plan is filed by the deadline, the court will issue an order to show cause why the case should not be dismissed or converted pursuant to 11 U.S.C. 1112(c)(4)(J). Appearances are required on 3/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed debtor's Subchapter V case status report. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

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

Tuesday, March 16, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1617613043>

ZoomGov meeting number: 161 761 3043

Password: 099827

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, March 16, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 16, 2021

Hearing Room 1675

1:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#1.00 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. 9/15/20, 12/2/20, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 3/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 16, 2021

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

#2.00 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. 9/15/20, 12/2/20, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. The court has reviewed plaintiff's unilateral status report. No tentative ruling on the merits. Appearances are required on 3/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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, March 16, 2021

Hearing Room 1675

1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#3.00 Cont'd 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. 6/9/20, 9/8/20, 1/12/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Adamantine Investments LLC

Represented By
Dana M Douglas

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

Tuesday, March 16, 2021

Hearing Room 1675

1:30 PM

CONT... **Anthony Roy Martinez**
Sterling Holdings LLC

Represented By
Dana M Douglas

Chapter 7

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, March 16, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01367 Bandy et al v. Okland

#4.00 Cont'd status conference re: Complaint to determine dischargeability of debt
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4)
fr. 7/21/20, 10/20/20, 1/12/21

Docket 1

Tentative Ruling:

Off calendar. The court has reviewed plaintiffs' unilateral status report, noting that they have filed a motion for default judgment, which is now being reviewed by the court. The court on its own motion continues the status conference to 5/11/21 at 1:30 p.m. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Garrett Bandy	Represented By David S Hagen
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Heather Foster	Represented By David S Hagen
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Trustee(s):

Howard M Ehrenberg (TR)	Represented By Jeffrey S Shinbrot
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, March 16, 2021

Hearing Room 1675

1:30 PM

2:20-19257 Chien Ping Luu

Chapter 7

Adv#: 2:21-01005 Langer's Delicatessen, Inc. v. ZHAO et al

#5.00 Status conference re: Complaint objecting to discharge of debt
[11 U.S.C. §§ 523 (a)(2)(A) and 523 (a)(6)]

Docket 1

Tentative Ruling:

Off calendar. The court has reviewed plaintiff's unilateral status report, noting that default has been entered against each defendant and stating that it will be filing a motion for default judgment and requesting a continuance of the status conference for it to file the motion. The court on its own motion continues the status conference to 5/11/21 at 1:30 p.m. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Chien Ping Luu

Represented By
Elizabeth Lou

Defendant(s):

CHIEN PING LUU

Pro Se

LIXIA ZHAO

Pro Se

Joint Debtor(s):

Lixia Zhao

Represented By
Elizabeth Lou

Plaintiff(s):

Langer's Delicatessen, Inc.

Represented By
Steven M Garber

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 16, 2021

Hearing Room 1675

1:30 PM

2:20-20251 Anthony Padilla Cordova

Chapter 7

#6.00 Cont'd order to show cause why debtor failed to file a Certificate of Credit Counseling fr. 1/19/21

Docket 13

***** VACATED *** REASON: Certificate of Credit counseling filed on 1/21/21-mb.**

Tentative Ruling:

Off calendar. The hearing is vacated as debtor filed a certificate of credit counseling, a discharge was entered and the case is now closed. No appearances are necessary.

Party Information

Debtor(s):

Anthony Padilla Cordova

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, March 16, 2021

Hearing Room 1675

2:00 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#7.00 Cont'd order to show cause why Eui Joon Park should not be held in contempt for failing to produce documents fr. 1/19/21

Docket 36

***** VACATED *** REASON: Cont'd from 3/16/21 to 5/4/21 at 2:30 p.m.
per order entered on 3/15/21-mb.**

Tentative Ruling:

Off calendar. Continued to 5/4/21 at 2:30 p.m. by order granting request to continue hearing entered on 3/15/21. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, March 16, 2021

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.

#8.00 Hearing re: Motion of Raymond Pettibon for summary judgment

Docket 853

Tentative Ruling:

Updated tentative ruling as of 3/15/21. Although the complaint in intervention and the motion for summary judgment are not clear regarding the basis of the claim of plaintiff in intervention, the claim apparently is to quiet title to the subject personal property under California law, i.e., California Code of Civil Procedure §§760.010 -760.060. Defendant Christmas in his answer to the complaint in intervention raised the lack of subject matter jurisdiction as an affirmative defense, and the court should address its subject matter jurisdiction over plaintiff's noncore state law quiet title claim by a nondebtor party, plaintiff, against another nondebtor party, defendant Christmas, but also, against defendant Leslie, the plan agent, as the representative of the reorganized debtor. Apparently, plaintiff bases its claim of jurisdiction on ancillary jurisdiction, and should explain this at the hearing. The court also has to examine bankruptcy court jurisdiction over plaintiff's noncore state law claim in terms of whether it can enter a final judgment in light of Stern v. Marshall, 564 U.S. 462 (2011) as defendant Christmas does not consent to bankruptcy court jurisdiction to enter a final judgment in this adversary proceeding. Plaintiff should address whether the court can enter final judgment on the motion, or whether if it is inclined to rule in favor of plaintiff on the motion in total, it must prepare a report and recommendation to the district court for approval of the granting of summary judgment in plaintiff's favor. Executive Benefits Insurance Agency v. Arkison, 573 U.S. 25 (2014). On the merits, the court is inclined towards granting the motion in part in determining the alleged uncontroverted facts 1-24 and 26-43 as material facts not genuinely in dispute and treating them as established in the case, but treat alleged controverted fact 25 as genuinely in dispute for trial as evidenced by the conflict between the Pettibon declaration and the Christmas deposition testimony, necessitating a trial of that issue, that is, whether plaintiff sold some, if not all, of the personal property to defendant Christmas. There appears to be factual issues relating to the applicability of the statute of

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CONT... Art and Architecture Books of the 21st Century Chapter 11

limitations to the quiet title action based on notice to plaintiff of defendant Christmas's refusal to return his personal property. Coy v. County of Los Angeles, 235 Cal.App.3d 1077, 1088 (1991). There also appears to be a factual issue as of whether defendant Christmas listed the subject personal property on his bankruptcy schedules for his 2004 bankruptcy petition to invoke judicial estoppel based on such representations. The court would thus sever the Pettibon claim from the other claims in the adversary proceeding and try the remaining factual issues as to whether there was a sale by plaintiff to defendant Christmas, the applicability of the statute of limitations and the applicability of judicial estoppel. Laches is not a good defense here to the quiet title claim as there is no evidence of prejudice to defendants. Huang v. Wells Fargo Bank, N.A., 48 Cal.App.5th 431 (2020).

Appearances are required on 3/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

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CONT... Art and Architecture Books of the 21st Century Chapter 11

ACE MUSEUM, a California

Represented By
Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas

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CONT...

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Chapter 11

Stephen Sorensen

THE OFFICIAL COMMITTEE OF

Represented By

Victor A Sahn

Daniel A Lev

David J Richardson

Asa S Hami

Jessica Vogel

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Hearing Room 1675

2:30 PM

2:14-12807 Adan A. Fernandez Enriquez

Chapter 7

#9.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Elissa D. Miller, Chapter 7 Trustee]

Docket 25

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/16/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Adan A. Fernandez Enriquez

Represented By
James T King

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:18-10524 Fox Property Holdings, LLC

Chapter 11

#10.00 Hearing re: Motion for entry of order authorizing debtor to use cash collateral through and including August 31, 2021

Docket 259

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to debtor's motion to use cash collateral, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants the motion for the reasons stated in the moving papers and for lack of timely written opposition. No appearances are required on 3/16/21. Debtor to lodge 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

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2:30 PM

2:19-15982 Daniel Hyun You

Chapter 7

#11.00 Hearing re: Chapter 7 Trustee's Motion for Order: (1) Compelling Eun Shil Lee and Any Other Occupants to Vacate and Turnover Real Property; (2) Establishing Procedure For Removal of Personal Property; (3) Issuance of a Writ of Execution, Upon the Filing of a Declaration, If Turnover Is Not Obtained

Docket 93

Tentative Ruling:

Updated tentative ruling as of 3/15/21. Deny trustee's motion for turnover because he seeks relief that requires an adversary proceeding pursuant to FRBP 7001(1) because it is a proceeding to recover property other than a proceeding to compel the debtor to deliver property to the trustee as the respondent is the nondebtor spouse, not the debtor. Relief by motion is not appropriate because the spouse is not a party to the stipulation between the trustee and the debtor for turnover and there is no automatic stay violation by the nondebtor spouse retaining possession of the property as it is apparently community property as being listed as such by debtor on his schedules and as the Supreme Court recently held in *City of Chicago, Illinois v. Fulton*, 141 S.Ct. 585 (2021), that an entity's mere retention of estate property after the filing of a bankruptcy petition does not constitute an act to exercise control over property of the estate in violation of the Bankruptcy Code's automatic stay, abrogating *In re Del Mission Ltd.*, 98 F.3d 1147 (9th Cir. 1996).

Appearances are required on 3/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Daniel Hyun You

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Laila Masud

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CONT...

Daniel Hyun You

D Edward Hays
Chad V Haes

Chapter 7

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Hearing Room 1675

2:30 PM

2:20-11138 James Matthew Dorsey and Michelle Denise Dorsey

Chapter 7

#12.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Peter J. Mastan, Chapter 7 Trustee]

Docket 69

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/16/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

James Matthew Dorsey

Represented By
Raymond J Bulaon

Joint Debtor(s):

Michelle Denise Dorsey

Represented By
Raymond J Bulaon

Trustee(s):

Peter J Mastan (TR)

Pro Se

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2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#13.00 Cont'd hearing re: Motion for an Evidentiary Hearing on What Debt was Dischargeable and Discharged; 2. Motion to Strike False Material Declarations and to Correct the Record; 3. Debtor is Redacting the False Declaration Written on His Behalf by His Former Attorney Anerio Altman; 4. Motion to Correct the Record to Prove a "Fraud Upon the Court"
fr. 2/16/21

Docket 22

***** VACATED *** REASON: Denied per order entered on 3/4/21-mb.**

Tentative Ruling:

Off calendar. The court has issued a decision and order on the motion, and the hearing is vacated. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Defendant(s):

Wesley H Avery

Represented By
Brett B Curlee

Anerio Altman

Represented By
William J Wall

Does 1 - 20

Pro Se

Plaintiff(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee
Dennis E McGoldrick

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Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#14.00 Cont'd hearing re: Motion for leave to amend adversary complaint
fr. 2/16/21

Docket 13

***** VACATED *** REASON: Granted per order entered on 3/4/21-mb.**

Tentative Ruling:

Off calendar. The court has issued a decision and order on the motion, and the hearing is vacated. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Defendant(s):

Wesley H Avery

Represented By
Brett B Curlee

Anerio Altman

Represented By
William J Wall

Does 1 - 20

Pro Se

Plaintiff(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee
Dennis E McGoldrick

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2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#15.00 Cont'd status conference re: Complaint for 1. damages to plaintiff, home been unnecessarily sold, 2. fraud upon the court, 3. bankruptcy proceeding be vacated due to a fraud upon the court
fr. 12/15/20, 2/2/21, 2/16/21

Docket 1

***** VACATED *** REASON: Adversary proceeding dismissed per order entered on 3/4/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding is dismissed. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Wesley H Avery Pro Se

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
Dennis E McGoldrick

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11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613435913>

ZoomGov meeting number: 161 343 5913

Password: 111945

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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11:00 AM

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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11:00 AM

2:10-60711 Brunelle Equities LLC

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. RN, 8/19/20, 10/14/20, 1/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Brunelle Equities LLC

Represented By
Raymond H. Aver

**United States Bankruptcy Court
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Wednesday, March 17, 2021

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. 6/16/20, 7/14/20, 12/9/20

Docket 140

***** VACATED *** REASON: Final Decree entered on 12/29/20. Case
Closed on 1/12/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because a final decree has been entered. No appearances are necessary.

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

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Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#3.00 Cont'd hearing re: Second interim application for approval of compensation and expense reimbursement of Foley & Lardner, LLP
fr. 1/13/21, 2/10/21

Docket 729

***** VACATED *** REASON: Notice of withdrawal filed on 3/10/2021-mb.**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 3/10/21. No appearances are required on 3/16/21.

Party Information

Debtor(s):

Sarkis Investments Company, LLC

Represented By
Ashley M McDow
Michael T Delaney
Fahim Farivar
Shane J Moses

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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:17-24737 Advance Specialty Care, LLC

Chapter 11

#4.00 Cont'd status conference re: Post confirmation of plan
fr. 4/8/20, 8/19/20, 1/13/21

Docket 255

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Advance Specialty Care, LLC

Represented By
Raymond H. Aver

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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:18-10524 Fox Property Holdings, LLC

Chapter 11

#5.00 Cont'd status conference re: Management of chapter 11 case
fr. 6/3/20, 7/1/20, 9/16/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Fox Property Holdings, LLC

Represented By
Timothy J Yoo

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11:00 AM

2:18-10551 Nina Mosby

Chapter 11

#6.00 Cont'd status conference re: Post confirmation of plan
fr. 6/10/20, 9/9/20, 12/9/20

Docket 77

***** VACATED *** REASON: Final Decree Entered and Case Closed on
1/11/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because a final decree has been entered. No appearances are necessary.

Party Information

Debtor(s):

Nina Mosby

Represented By
Julie J Villalobos

**United States Bankruptcy Court
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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:18-12224 Raesi Group, Inc

Chapter 11

#7.00 Cont'd status conference re: Post confirmation of chapter 11 plan
fr. 8/4/20, 9/30/20, 1/20/21

Docket 82

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Raesi Group, Inc

Represented By
Christopher P Walker

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Hearing Room 1675

11:00 AM

2:18-13759 Charles Peters

Chapter 11

#8.00 Status conference re: Post confirmation of plan
fr. 10/21/20, 12/9/20, 12/16/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Charles Peters

Represented By
Frank Edel Blanco
Giovanni Orantes
Luis A Solorzano

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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:20-19977 LN Ventures, 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

Docket 61

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

LN Ventures, LLC

Represented By
Omero Banuelos

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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:20-19977 LN Ventures, LLC

Chapter 11

#10.00 Status conference re: Management of chapter 11 case

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

LN Ventures, LLC

Represented By
Omero Banuelos

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Wednesday, March 17, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#10.10 Cont'd hearing re: Motion to dismiss or convert case
fr. 3/10/21

Docket 142

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No updated tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/10/21. This matter is continued to 3/17/21 at 11:00 a.m.

Prior tentative ruling as of 3/8/21. The court will treat the motion of the United States to dismiss or convert case as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since the grounds of the motion based on plan infeasibility presents disputed issues of material fact that must be resolved by evidentiary hearing. Since this case is now 2 1/2 years, the court will require debtor to file a disclosure statement and plan and proceed with plan confirmation while litigating the merits of his objection to the tax claims of the IRS at the same time. The court suggests that a trial on plan confirmation and the merits of the objection to the tax claims be scheduled for July 2021. Debtor will need to file a plan and disclosure statement by April 2021. Appearances are required on 3/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Samuel Marquez

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#10.20 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 2/3/21, 3/10/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/17/21 to 4/7/21 at 11:00 a.m.
per stip & order entered on 3/15/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 4/7/21 at 11:00 a.m. No appearances are required on 3/17/21.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

**United States Bankruptcy Court
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Hearing Room 1675

11:30 AM

2:17-15033 Shapphire Resources, LLC

Chapter 11

#11.00 Hearing re: Confirmaiton of plan
fr. 9/16/20, 11/18/20, 1/20/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shapphire Resources, LLC

Represented By
Raymond H. Aver

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11:30 AM

2:17-15033 Shapphire Resources, LLC

Chapter 11

#12.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/16/20, 11/18/20, 1/20/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shapphire Resources, LLC

Represented By
Raymond H. Aver

**United States Bankruptcy Court
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Hearing Room 1675

1:30 PM

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

Chapter 11

#13.00 Cont'd status conference re: Post confirmation of plan
fr. 9/18/19, 1/15/20, 9/16/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/15/21. The court has reviewed the plan agent's status report filed on 3/15/21. No tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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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.

#14.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 9/2/20, 10/22/20, 1/13/21

Docket 713

Tentative Ruling:

Off calendar. Continued to 4/7/21 at 2:00 p.m. by order granting plan agent's motion to continue entered on 3/12/21. No appearances are required on 3/17/21.

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

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

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Wednesday, March 17, 2021

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.

#15.00 Hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian

Docket 898

***** VACATED *** REASON: Cont'd from 3/17/21 to 4/7/21 at 2:00 p.m.
per order entered on 3/12/21-pp.**

Tentative Ruling:

Off calendar. Continued to 4/7/21 at 2:00 p.m. by order granting plan agent's motion to continue entered on 3/12/21. No appearances are required on 3/17/21.

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
Jonathan Seligmann Shenson

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**

Wednesday, March 17, 2021

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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT... **Art and Architecture Books of the 21st Century**
THE OFFICIAL COMMITTEE OF Represented By
Victor A Sahn
Daniel A Lev
David J Richardson
Asa S Hami
Jessica Vogel

Chapter 11

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

Wednesday, March 17, 2021

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.

#16.00 Hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith

Docket 899

***** VACATED *** REASON: Cont'd from 3/17/21 to 4/7/21 at 2:00 p.m.
per order entered on 3/12/21-pp.**

Tentative Ruling:

Off calendar. Continued to 4/7/21 at 2:00 p.m. by order granting plan agent's motion to continue entered on 3/12/21. No appearances are required on 3/17/21.

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
Jonathan Seligmann Shenson

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**

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By

Victor A Sahn

Carolyn A Dye

David J Richardson

Jason Balitzer

Steven Thomas

Stephen Sorensen

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

Wednesday, March 17, 2021

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 Hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea

Docket 900

***** VACATED *** REASON: Cont'd from 3/17/21 to 4/7/21 at 2:00 p.m.
per order entered on 3/12/21-pp.**

Tentative Ruling:

Off calendar. Continued to 4/7/21 at 2:00 p.m. by order granting plan agent's motion to continue entered on 3/12/21. No appearances are required on 3/17/21.

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
Jonathan Seligmann Shenson

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**

Wednesday, March 17, 2021

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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Wednesday, March 17, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century
THE OFFICIAL COMMITTEE OF Represented By
Victor A Sahn
Daniel A Lev
David J Richardson
Asa S Hami
Jessica Vogel

Chapter 11

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

Tuesday, March 30, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607136343>

ZoomGov meeting number: 160 713 6343

Password: 335399

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, March 30, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 30, 2021

Hearing Room 1675

10:30 AM

2:19-24787 Bradley Edward Barnes and Allison Platz Barnes

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(WVBAGD, LLC VS Debtors)

Docket 90

Tentative Ruling:

Although the stay has terminated as to the debtors on entry of discharge pursuant to 11 U.S.C. 362(c)(2)(C), the stay remains in effect as to property of the estate under 11 U.S.C. 362(c)(1). Grant motion for stay relief under 11 U.S.C. 362(d)(1) for cause to allow movant to pursue nonbankruptcy litigation to liquidate the amount of its claim filed in this case as the notice of the prior trustee to administer assets in this case has not been withdrawn. However, granting of stay relief does not grant movant declaratory relief as to nondischargeability of debt that may be owed by debtors since that requires an adversary proceeding as required by FRBP 7001(6) and (9), and movant acts at its peril if its future collection actions could violate the discharge injunction.

Deny movant's request for retroactive relief from stay as it has not made a sufficient showing for such relief. In determining whether to grant retroactive relief from stay, the bankruptcy court ordinarily should examine the circumstances of the specific case and balance the equities of the parties' respective positions. In re Gasprom, Inc., 500 B.R. 598, 607-608 (9th Cir. BAP 2013), citing National Environmental Waste Corp., 129 F.3d 1052, 1055 (9th Cir. 1997) and Fjeldsted v. Lien (In re Fjeldsted), 293 B.R. 12, 24 (9th Cir. BAP 2003). In balancing the equities, the court may consider a number of different factors. Id., citing, In re Fjeldsted, 293 B.R. at 24-25. While any specific list of relevant factors is subject to modification depending on the circumstances of the particular case, In re Fjeldsted suggested that a list of factors could be used as a general guideline or framework for assessing the equities, but movant has not made any showing under the Fjeldsted or other factors why it needs retroactive relief from stay and that it is entitled to retroactive relief from stay. In re Fjeldsted, 293 B.R. at 25.

Appearances are required on 3/30/21, but counsel and self-represented

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

Tuesday, March 30, 2021

Hearing Room 1675

10:30 AM

CONT... **Bradley Edward Barnes and Allison Platz Barnes** **Chapter 7**
parties must appear through Zoom for Government in accordance with the
court's remote appearance instructions.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

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, March 30, 2021

Hearing Room 1675

10:30 AM

2:20-14168 Antonio Ibarra Zepeda and Silvia Gutierrez de Ibarra

Chapter 7

#2.00 Hearing re: Motion for relief from stay
(Toyota Motor Credit Corporation VS Debtors)

Docket 24

Tentative Ruling:

The so-called pink slip or certificate of title attached to the motion as Exhibit 2 is inadequate to demonstrate movant's standing to seek stay relief as it does not even identify movant as the lienholder and is missing critical information, including the make and model of the car, the vehicle identification number, the license plate number and the state of registration. Nevertheless, the sales contract attached as Exhibit 1 to the motion provides some of the information missing in Exhibit 2, such as the make and model of the car and the VIN and the identity of the lienholder as Toyota Financial Services, which is presumably movant's other name.

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 3/30/21. Movant to submit a proposed 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**

Tuesday, March 30, 2021

Hearing Room 1675

10:30 AM

CONT... Antonio Ibarra Zepeda and Silvia Gutierrez de Ibarra

Chapter 7

Debtor(s):

Antonio Ibarra Zepeda

Represented By
Bryn C Deb

Joint Debtor(s):

Silvia Gutierrez de Ibarra

Represented By
Bryn C Deb

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

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 30, 2021

Hearing Room 1675

10:30 AM

2:21-10598 Ruth Lee Niles

Chapter 7

#3.00 Hearing re: Motion for relief from stay
(Exeter Finance LLC VS Debtor)

Docket 20

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 3/30/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Ruth Lee Niles

Represented By
Sina Maghsoudi

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, March 30, 2021

Hearing Room 1675

11:00 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc. and Leya

Chapter 7

#4.00 Hearing re: Trustee's motion to approve compromise under Rule 9019

Docket 122

Tentative Ruling:

Grant trustee's motion to approve compromise under FRBP 9019 and to obtain judgment pursuant to settlement for the reasons stated in the moving papers and for lack of timely opposition to the motion as trustee has shown that the compromise is fair, equitable and within his reasonable business judgment. The court will deem the lack of filing and service of a timely written opposition as consent of the served parties to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h). Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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, March 30, 2021

Hearing Room 1675

11:00 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#5.00 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. 1/5/21, 1/12/21, 2/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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, March 30, 2021

Hearing Room 1675

11:00 AM

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, March 30, 2021

Hearing Room 1675

11:00 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #5.10** Cont'd post discovery 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. 7/21/20, 9/29/20, 3/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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, March 30, 2021

Hearing Room 1675

11:00 AM

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, March 30, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01435 Goodrich v. Amazon Loan Services

#6.00 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. 10/27/20, 12/1/20, 2/16/21

Docket 1

***** VACATED *** REASON: Dismissed by Stip & Order entered on 3/16/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding has been dismissed by stipulation and order. No appearances are required on 3/30/21.

Party Information

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, March 30, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01687 Roozafzai et al v. Chaparli et al

#7.00 Order to show cause why adversary proceeding should not be dismissed for lack of prosecution or other sanctions imposed

Docket 5

Tentative Ruling:

Having considered counsel's declaration in response to the order to show cause, the court is inclined to discharge the order to show cause based on the extenuating circumstances described therein. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

DOES 1-20

Pro Se

Plaintiff(s):

Hassan Roozafzai

Represented By
Shahrokh Mokhtarzadeh

Ghodsieh "Vida" Roozafzai

Represented By
Shahrokh Mokhtarzadeh

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, March 30, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01687 Roozafzai et al v. Chaparli et al

#8.00 Cont'd status conference re: Complaint to determine non-dischargeability of debts/claims
[11 U.S.C. §§523(a)(2), 523(a)(4), and 523(a)(6)]
fr. 2/16/21

Docket 1

Tentative Ruling:

The court has reviewed plaintiff's unilateral status report. Plaintiff to address when he will file a request for entry of default based on lack of timely response to service of the summons and complaint. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

DOES 1-20

Pro Se

Plaintiff(s):

Hassan Roozafzai

Represented By
Shahrokh Mokhtarzadeh

Ghodsieh "Vida" Roozafzai

Represented By
Shahrokh Mokhtarzadeh

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, March 30, 2021

Hearing Room 1675

1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#9.00 Status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud

Docket 1

Tentative Ruling:

No tentative ruling as of 3/26/21. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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CONT... Wanderluxxe, LLC

Chapter 7

**United States Bankruptcy Court
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Los Angeles
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Tuesday, March 30, 2021

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.

#10.00 Hearing re: Plaintiff's motion for summary judgment on conversion and breach of fiduciary duty against defendant Douglas Christmas

Docket 870

***** VACATED *** REASON: Cont'd from 3/30/21 to 4/28/21 at 2:00 p.m.
per order entered on 3/23/21-mb.**

Tentative Ruling:

Off calendar. Hearing on the motion is continued to 4/28/21 at 2:00 p.m. by prior order of the court. No appearances are required on 3/30/21.

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
Jonathan Seligmann Shenson

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
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2:30 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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
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CONT... Art and Architecture Books of the 21st Century

Chapter 11

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
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Tuesday, March 30, 2021

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 Hearing re: Defendant's motion to dismiss adversary proceeding

Docket 198

***** VACATED *** REASON: Denied per order entered on 3/18/21-mb.**

Tentative Ruling:

Off calendar. The hearing is vacated because the court ruled on the motion on the papers and issued an order denying the motion. No appearances are required on 3/30/21.

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
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Tuesday, March 30, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#12.00 Hearing re: Gemelli Group LLC's motion to set aside relief from stay order

Docket 523

Tentative Ruling:

Revised tentative ruling as of 3/29/21. Having considered the moving, opposing and reply papers, the court issues the following revised and updated tentative ruling granting the amended motion of movant Gemelli Group LLC to set aside relief from stay order in part and denying it in part.

Regarding the request of respondents Dahlen and Scheidt for judicial notice, grant the request to the extent that the court will take judicial notice that the exhibits attached thereto are copies of pleadings and orders filed in this bankruptcy case.

Regarding the evidentiary objections of respondents Dahlen and Scheidt to the declaration of declarant Todd Landers, sustain the objections as to declarant's statements reciting and characterizing legal proceedings and claims and motives of respondents' counsel in taking certain actions on grounds of best evidence and improper legal opinion, but overrule the objections to declarant's testimony regarding communications with respondents' counsel and circumstances regarding the lack of opposition to respondents' stay relief motion and his firm's practices during the pandemic. The court would, however, consider the disallowed testimony as further argument of declarant as movant's counsel.

Grant motion to set aside stay relief order in part pursuant to FRBP 60(b)(4) by modifying the order to delete as void the provision in paragraph 11 of the order that "any recovery against the Movants in the Non-Bankruptcy Action shall be limited to recovery from the Insurance Policy, subject to the terms of conditions of the Insurance Policy" because the bankruptcy court lacked subject matter jurisdiction to enter such substantive relief on the merits in a noncore litigation matter involving only nondebtor parties which it had previously remanded to the state court, that is, movant's predecessor in interest had claims against respondents for negligent misrepresentation,

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CONT... Zacky & Sons Poultry, LLC

Chapter 11

gross negligence and breach of fiduciary duty with respect to representations made to it. See *In re Baird*, 114 B.R. 198, 204 (9th Cir. BAP 1990) (recognizing "the principle that a corporate officer or director who engages in tortious conduct is personally liable for the tort, notwithstanding the fact that the officer may have acted on behalf of the corporation"). In this regard, the Settlement Agreement was not a limitation on movant's right to recovery on its claims since the Settlement Agreement only dealt with recovery from the insurance policy only and not in excess of the policy limits which is not covered by the Settlement Agreement as any alleged liability of respondents to movant's predecessor in interest would be direct. Respondents have not shown that the bankruptcy court had subject matter jurisdiction to issue relief on the remanded noncore claims as a condition of granting stay relief, and thus, it would appear that the case cited by respondents, *VSP Labs, Inc. v. Hillair Capital Investments LP*, 619 B.R. 883 (N.D. Tex. 2020), is distinguishable. The totality of circumstances indicates that movant was not accorded due process by the notice of the stay relief motion seeking the release of liability above the insurance policy limits as the notice of motion was not specifically addressed to movant, that the motion specifically affected its substantive rights by capping its claims to relief at the insurance policy limits (i.e., the request for relief was stated in the passive voice to eliminate any reference to a direct adverse effect on movant as shown in paragraph 4.g of the motion ("Insurance seeks order providing relief from stay to confirm that it may pay defense costs subject to the terms and conditions of policy and any recovery against defendants in action is limited to recovery from the policy." and on page 5 of the memorandum of points and authorities in support of the stay relief motion ("... Defendants request that any recovery in the [State Court] Action be limited to recovery from the Insurance Policy.", that such requested relief would affect movant's rights in the remanded state court action because it sought to limit movant's substantive rights in that action as opposed to the bankruptcy case, and that the notice of motion and motion was not served on lead counsel for movant as represented in the proof of service, which negates the effect of, in the court's view, the prior communications between respondents' counsel and movant's lead counsel regarding a possible stipulation regarding this relief as a different attorney was served with the stay relief motion by NEF, especially in light of the working conditions during the pandemic as indicated by the Landers Declaration. Respondents' notice in the stay relief motion was not reasonably calculated to

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CONT... Zacky & Sons Poultry, LLC

Chapter 11

give effective notice to movant of the relief sought in this provision, and did not meet the following requirement: "[t]he notice must be of such nature as reasonably to convey the required information ... and it must afford a reasonable time for those interested to make their appearance." In re Center Wholesale, Inc., 759 F.2d 1440, 1448 (9th Cir. 1985), citing and quoting, Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 300, 314 (1950).

Deny motion to set aside stay relief order in part pursuant to FRBP 60(b)(4) or (6) to delete as void the provision in paragraph 11 of the order that "The automatic stay is terminated as to Movant and Darwin Select Insurance Company (together with successors and assigns, the 'Insurance Company'), to authorize Insurance Company to pay defense costs, subject to the terms and conditions of the insurance policy number 0309-9815 ('Insurance Policy'). . . ." as movant has not shown that the court's order to grant stay relief to allow the insurance company to pay defense costs if it was proper pursuant to the terms and conditions of the policy was erroneous and void. See Respondents' Opposition at 24-25, citing, In re Mila, 423 B.R. 537 (9th Cir. BAP 2010) and In re Daisy Systems Securities Litigation, 132 B.R. 752, 755 (N.D. Cal. 1991); Rosing Declaration at 3 and Exhibit A attached thereto (copy of insurance policy and D&O coverage provisions as attachment to email correspondence); see also, In re Hoku Corp., No. 13-40838, 2014 WL 1246884 (Bankr. D. Idaho Mar. 25, 2014). In granting stay relief, the court only determines whether the party seeking stay relief should be released from the stay to argue the merits of its claim in a separate proceeding by showing only that it has a colorable claim to the subject property, but the stay relief proceeding is summary in nature and does not determine the merits of the claim. See In re Griffin, 719 F.3d 1126, 1128 (9th Cir. 2013), citing In re Johnson, 756 F.2d 738, 740 (9th Cir. 1985) and In re Veal, 450 B.R. 897, 914 (9th Cir. BAP 2011).

For purposes of FRCP 60(c), the motion was made within reasonable time, as within the general one year maximum time period for FRCP 60(b) motions, there is good reason based on the disruption to normal business operations of movant's counsel due to pandemic, the circumstances surrounding the litigation as the bankruptcy court had remanded the removed noncore action to state court, the relief granted should have been considered in the state court action and lack of notice to lead counsel for movant contrary to the

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CONT... Zacky & Sons Poultry, LLC

Chapter 11

representation of service on the proof of service, and no showing of any prejudice from delay on respondents. See *In re Pacific Far East Lines, Inc.*, 889 F.2d 242, 249 (9th Cir. 1989). The court notes that the Ninth Circuit has observed that although FRCP 60(c) requires that a Rule 60(b)(4) motion “be made within a reasonable time,” if a judgment is void, a motion to set it aside may be brought at any time. *In re Center Wholesale, Inc.*, 759 F.2d at 1448-1449.

Deny movant's request for an order that respondents Dahlen and Scheidt and Darwin Select Insurance Company provide a full and detailed accounting of all funds and other benefits allegedly improperly dissipated in violation of movant's security interest and that requires prompt turnover of such funds on grounds of the lack of cited legal authority for the court to issue such an order and of insufficient showing that any such funds and benefits distribution to respondents was improper.

Deny movant's request for an order that that the court schedule a hearing for sanctions to award legal fees incurred in setting aside the allegedly illegal relief from stay order on grounds of the lack of cited legal authority for the court to impose sanctions against respondents.

Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions. Because this matter is anticipated to require extensive argument, the court will call the other matters on calendar first and expects that this matter will be called no earlier than 2:45 p.m.

Party Information

Debtor(s):

Zacky & Sons Poultry, LLC

Represented By

Ron Bender

Juliet Y Oh

Todd M Arnold

Lindsey L Smith

Riley C. Walter

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Tuesday, March 30, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

#13.00 Cont'd hearing re: Plaintiff Chapter 7 trustee Howard M. Ehrenberg's motion for partial summary judgment – fifth claim for relief – denial of discharge for concealment, destruction, or failure to preserve the debtor's books and records pursuant to 11 U.S.C. § 727(a)(3) and violation of a court's order pursuant to 11 U.S.C. § 727(a)(6)
fr. 12/15/20, 1/12/21

Docket 42

Tentative Ruling:

No tentative ruling as of 3/26/21. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Counsel should appear promptly at 2:30 p.m. to be called first or second on the calendar as there is another matter on calendar which will require extensive argument, and there may be a substantial wait if this matter is put on second call if counsel does not appear on time.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Represented By
Gary R Wallace

Movant(s):

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

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2:30 PM

CONT... Dean Henrik Okland

Chapter 7

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

Plaintiff(s):

Jennifer Sunderland

Represented By
Kimberly Wright

James Farrow

Represented By
Kimberly Wright

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

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Tuesday, March 30, 2021

Hearing Room 1675

2:30 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. 10/20/20, 12/15/20, 1/12/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Counsel should appear promptly at 2:30 p.m. to be called first or second on the calendar as there is another matter on calendar which will require extensive argument, and there may be a substantial wait if this matter is put on second call if counsel does not appear on time.

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

**United States Bankruptcy Court
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CONT... **Dean Henrik Okland**
James Farrow

Represented By
Kimberly Wright

Chapter 11

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:20-12202 Richard Ochoa Telles

Chapter 7

#15.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Elissa Miller, Chapter 7 Trustee]

Docket 62

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 3/30/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

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2:30 PM

2:20-12202 Richard Ochoa Telles

Chapter 7

#16.00 Hearing re: Application for fees and expenses
[SulmeyerKupetz, Attorney for Chapter 7 Trustee]

Docket 58

Tentative Ruling:

The court notes that applicant failed to serve a judge's copy of the application in violation of LBR 5005-2(d) as the proof of service of the application does not indicate service of the required judge's copy. The pandemic exception temporarily suspending the requirement of service of a judge's copy under Amended General Order 20-06 applies only to documents 25 pages in length or less and does not apply to the application which is 30 pages in length. Applicant is admonished to comply with LBR 5005-2(d) in the future.

Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 3/30/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

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Tuesday, March 30, 2021

Hearing Room 1675

2:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#17.00 Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 15

Tentative Ruling:

Although the complaint alleges claims under 11 U.S.C. 523 and 727, the motion does not identify which claims are the ones which plaintiffs seek default judgment on. It appears to the court that plaintiffs are seeking default judgment on their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6), but they do not show how each of the elements of claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) are satisfied on this record. Presumably, plaintiffs are basing their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) based on fraudulent misrepresentation, but the fraudulent misrepresentation had to induce plaintiffs to suffer damages, such as when they made the loan of \$90,000 to defendant, not afterwards, when the money had already passed to defendant. The misrepresentations made after plaintiffs parted with the loan money may show that the initial representation to induce the loan was fraudulent, but these subsequent misrepresentations are not actionable by themselves since they did not induce plaintiffs to part with the money to incur damages. The evidence in support of the motion is skimpy on the circumstances of the loan as it is unclear which entity made the loan, either plaintiff Eghbali or plaintiff Enrich Financial, Inc., or both, which entity borrowed the money, defendant, or one or more of his entities, whether the loan was oral or in writing and the misrepresentations by defendant to induce the loan. It needs to be made clear which entity is the proper party plaintiff to establish standing as the evidence is unclear as the NSF checks were written first to Enrich Financial and then to Mr. Eghbali, but the written promise to repay and promissory note is written out to Mr. Eghbali. It appears that plaintiffs liquidated the amount of the debt owed by defendant by obtaining the state court default judgment and that they rely upon res judicata to establish the amount of the debt. Since apparently the amount of the debt was previously liquidated in the state court action, this court is not determining the amount of the debt, but only determining whether the debt is nondischargeable. Plaintiffs' complaint alleges claims under 11 U.S.C. 727, but these claims are not addressed in the

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2:30 PM

CONT... Fereidoun Chaparli

Chapter 7

motion, presumably because if plaintiffs prevail on their claims under 11 U.S.C. 523, they will seek to move to dismiss their claims under 11 U.S.C. 727 pursuant to FRBP 7041 with notice to the Chapter 7 trustee and the United States trustee. Plaintiffs will need to address these issues before the court can rule on the motion. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Counsel should appear promptly at 2:30 p.m. to be called first or second on the calendar as there is another matter on calendar which will require extensive argument, and there may be a substantial wait if this matter is put on second call if counsel does not appear on time.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Movant(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, March 30, 2021

Hearing Room 1675

3:00 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.

#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. 10/28/20, 1/13/21, 2/17/21

Docket 1

Tentative Ruling:

Off calendar. The court on its own motion continues the status conference to be conducted with other hearings in this adversary proceeding scheduled one week later on 4/7/21 at 2:00 p.m. No appearances are required on 3/30/21.

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
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3:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609999739>

ZoomGov meeting number: 160 999 9739

Password: 956126

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
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11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#1.00 Cont'd hearing re: Disclosure statement
fr. 10/7/20, 12/2/20, 2/17/21

Docket 174

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Curtis C. Magleby

Represented By
Illyssa I Fogel

**United States Bankruptcy Court
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Wednesday, March 31, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#2.00 Hearing re: Application for payment of final fees and/or expenses for Fredman Lieberman Pearl LLP, debtor's attorney, Period: 2/2/2018 to 1/28/2021, Fee: \$635,953.00, Expenses: \$10,302.61.

Docket 549

***** VACATED *** REASON: Cont'd from 3/31/21 to 4/28/21 at 11:00 a.m.
per stip & order entered on 3/18/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 4/28/21 at 11:00 a.m. No appearances are required on 3/31/21.

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 31, 2021

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. 12/2/20, 2/3/21, 2/17/21

Docket 205

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 31, 2021

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. 12/2/20, 2/3/21, 2/17/21

Docket 103

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 31, 2021

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. 12/2/20, 2/3/21, 2/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/30/21. The court notes that debtors filed a motion for voluntary dismissal of this bankruptcy case on 3/30/21, which is noticed for hearing on 4/28/21 at 11:00 a.m. No tentative ruling on the merits. Appearances are required on 3/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, March 31, 2021

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. 12/2/20, 2/3/21, 2/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. No tentative ruling on the merits. Appearances are required on 3/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, March 31, 2021

Hearing Room 1675

11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#7.00 Hearing re: Plan confirmation (Subchapter V)
fr. 11/18/20, 12/16/20

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:00 a.m.
per notice filed on 2/4/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued to 6/2/21 at 11:00 a.m. by notice filed on 2/4/21. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New

Represented By
Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 1675

11:30 AM

2:17-23722 **Kody Branch of California, Inc.**

Chapter 7

#8.00 Pretrial conference re: Chapter 7 trustee's omnibus objection to: Claim No. 11 - Shaoxing LeiLei Import & Export; Claim No. 12 - Cong Ty Tnhh Anh Chau; Claim No. 13 - Shaoxing Tuchang Knitting Textile; Claim No. 14 - Gia Phu Fashion Company; and Claim No. 15 - Cong Ty May Trinh Vuong
fr. 9/30/20, 10/14/20, 2/3/21

Docket 351

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m.
per stip & order entered on 3/2/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Revised and updated tentative ruling as of 10/13/20. The trustee's objections to the claims as amended of creditors Shaoxing Leilei Import & Export Co. (\$223,394.01), Cong Ty Tnhh Anh Chau (\$1,843,219.16), Shaoxing Tuchang Knitting Textile Co., Ltd. (\$323,430.14)(note: amended claim refers to Shaoxing Leilei Import & Export Co. as claimant, which appears to be a scrivener's error, as supporting documentation refers to Shaoxing Tuchang Knitting Textile Co., Ltd.), Gia Phu Fashion Co. (\$333,916.51), and Cong Ty May Trinh Vuong (\$1,036,668.79) pursuant to Federal Rule of Bankruptcy Procedure 3007 are contested matters pursuant to Federal Rule of Bankruptcy Procedure 9014. See *In re Garner*, 246 B.R. 617, 623 (9th Cir. BAP 2000), citing inter alia, Advisory Committee Note to Federal Rule of Bankruptcy Procedure 3007. The trustee, claimants and a creditor joining the trustee's objections have filed declarations and documentary evidence in support and in opposition to the objections. The trustee has filed evidentiary objections to the declarations and documentary evidence of the claimants with the expectations that the court will sustain his objections and determine that there are no genuine issues of material fact to preclude the court from determining that he is entitled to judgment as a matter of law that claimants have failed to meet their burden of proving the validity and amount of their claims. In order for the court to now rule in favor of the trustee and sustain his objections now, the court would have to determine that despite claimants' evidence, there are no genuine issues of material fact and that the trustee is

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11:30 AM

CONT... **Kody Branch of California, Inc.**

Chapter 7

entitled to judgment as a matter of law. In essence, this request is a motion for summary judgment under Federal Rule of Bankruptcy Procedure 7056, which applies to contested matters like these under Federal Rule of Bankruptcy Procedure 9014, but the trustee has not filed such a motion. Even if the court were to sustain the trustee's evidentiary objections, it would seem to the court in the interest of fairness to allow claimants to cure the evidentiary objections to their evidence as Rule 9014 provides that "reasonable notice and opportunity for hearing shall be afforded to the party against whom relief is sought." Rule 9014 also provides that "[t]estimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding" and that "[t]he court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify." The trustee apparently believes that there are no genuine issues of material fact, if that is the case, then it should be determined upon a proper motion for summary judgment under Rule 7056. It appears that there are unresolved material factual issues that may require an evidentiary hearing to resolve, requiring the issuance of factual findings pursuant to Federal Rule of Bankruptcy Procedure 7052, and if so, then the court should set an appropriate schedule of pretrial and trial proceedings, especially considering the large dollar amounts of the objected to claims. The court is not sure that on this record, the trustee has shown that there are no genuine issues of material fact and that he is entitled to judgment as a matter of law on grounds that claimants have not their ultimate burden of proving the validity and amount of their claims. Moreover, the court is not so sure that the trustee is entitled to judgment as a matter of law that the claims should be barred under California law based on the statute of frauds and the statute of limitations on contractual breach claims as the claims are based on contracts involving parties of different contractual states, i.e., debtor as the buyer of goods is a California contract party, but the claimants as the seller of goods are foreign contract parties from China and Vietnam, and thus, it is unclear the choice of law governing the contracts between the parties. The trustee assumes that California law applies to the contracts because the buyer is a California party, but there is no evidence in the contracts themselves that California law governs these claims. It may be that the contracts may be governed by the law of China and/or Vietnam, where the claimants as the selling parties are located. Or the international sales contracts like these may

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Chapter 7

be governed by international law, i.e., United Nations Convention on Contracts for the International Sale of Goods, S. Treaty Doc. No. 98-9 (1983), reprinted in 15 U.S.C.A. App. ("CISG"), cited in Shantou Real Lingerie Manufacturing Co., Ltd. v. Native Group International, Ltd., No. 14 Civ. 10246 (FM), 2016 WL 4532911 at *2-3 (S.D.N.Y. August 23, 2016), citing, Cedar Petrochemicals, Inc. v. Dongbu Hannong Chem. Co., No. 06 Civ. 3972 (LTS) (JCF), 2011 WL 4494602, at *3 (S.D.N.Y. Sept. 28, 2011) ("[The CISG] automatically applies to international sales contracts between parties from different contracting states[.] ... Where parties wish to exercise their right to derogate from the CISG, they must do so explicitly.") (internal quotation marks omitted) (quoting Zhejiang Shaoxing Yongli Printing & Dyeing Co. v. Microflock Textile Grp., No. 06 Civ. 22608 (JJO), 2008 WL 2098062, at *1 (S.D. Fla. May 19, 2008)); see also, Zierdt and Adams, "International Sales of Goods," 70 Bus. Law. 1269 (American Bar Association: Fall 2015); Adams and Zierdt, "International Sales of Goods," 2017-NOV Bus. L. Today 243 (American Bar Association: Nov. 2017). The parties have not addressed choice of law issues in their briefing, which have bearing on the arguments being made in the pleadings and raise unresolved legal and factual issues. The court believes that these contested matters of the trustee's objections to the claims of the claimants should be resolved by an evidentiary hearing or upon a motion for summary judgment in accordance with the applicable rules, Federal Rules of Bankruptcy Procedure 3007, 7052, 7056 and 9014, so that the factual and legal issues presented can be fully and fairly ventilated and determined.

Appearances are required on 10/14/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by

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Chapter 7

telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. The court will treat the objections to claims as contested matters under FRBP 9014 and will treat the hearing on 9/30/20 as a status conference. The parties should advise the court whether there are material issues of fact that require an evidentiary hearing. If so, the court will inquire with the parties as to an appropriate pretrial and trial schedule. If not, the court will discuss with the parties scheduling of a final hearing on the objections to hear arguments on the evidentiary objections asserted by the parties and on the merits of the objections. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/8/20. In response to the trustee's omnibus objections to claims, claimants through their attorney filed amended claims on 5/11/20 and 5/12/20. Pursuant to Rule 3001(f) of the Federal Rule of Bankruptcy Procedure (FRBP), proofs of claim executed and filed in accordance with the FRBP shall constitute prima facie evidence of the validity and amount of the claims. In reply, the trustee supported by declarations of

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Chapter 7

Linda Lee and Michael Weinberg has rebutted the prima facie correctness of the amended proofs of claim by showing that the documents attached to the amended proofs of claim were fabricated and are not genuine. Moreover, in the court's view, the documents to support amended claims lack evidentiary foundation as none of the documents attached in support of the amended claims are properly authenticated by someone with personal knowledge as required by Rules 602, 901 and 902 of the Federal Rules of Evidence, which tends to show that the objections to the claims have rebutted the prima facie correctness of the claims, and that the claimants bear the ultimate burden of proving the validity of their claims and should be prepared to show that they have met this burden at the hearing. In re Holm, 931 F.2d 620, 623 (9th Cir. 1991).

Appearances are required on 6/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 6/2/20 at 2:30 p.m. No appearances are required on 4/28/20.

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
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01466 Avery v. Gia Phu Fashion Garment Co.

#9.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m. per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Gia Phu Fashion Garment Co.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Los Angeles
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01467 Avery v. Mercedes-Benz Financial Service USA LLC

#10.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 9/15/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Pet stip & order entered on 3/26/21- st**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. The status conference is moot as the adversary proceeding is dismissed by stipulation and order. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Mercedes-Benz Financial Service

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01468 Avery v. Baldwin Sun Inc.

#11.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and transfers
fr. 9/15/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m.
per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Baldwin Sun Inc.

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01469 Avery v. Trinh Vuong Garment Co., Ltd.

#12.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. The court on its own motion continues the status conference to 6/2/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 3/31/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Vuong Garment Co., Ltd.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood

**United States Bankruptcy Court
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Wednesday, March 31, 2021

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11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays

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
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01470 Avery v. JC Rack Systems

#13.00 Cont'd status conference re: Complaint for avoidance and recovery of fraudulent transfers
fr. 9/15/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Per stip & order entered on 3/26/21- st**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. The status conference is moot as the adversary proceeding is dismissed by stipulation and order. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

JC Rack Systems

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01472 Avery v. Shanghai Medicines and Health Products Import and

#14.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. The court on its own motion continues the status conference to 6/2/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 3/31/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shanghai Medicines and Health

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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

11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

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
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01473 Avery v. Sio, LLC

#15.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 9/15/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m. per stip & order entered on 3/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Sio, LLC

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01475 Avery v. Van

#16.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m. per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Thi Hong Van

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01476 Avery v. Chau

#17.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m.
per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Cong Ty Tnhh Anh Chau

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01477 Avery v. Shaoxing LeiLei Import & Export Company

#18.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m. per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing LeiLei Import & Export

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01478 Avery v. Shaoxing Tuchang Knitting Textile Co., Ltd.

#19.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 9/30/20, 12/16/20, 2/3/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m.
per stip & order entered on 3/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing Tuchang Knitting Textile

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, March 31, 2021

Hearing Room 1675

11:30 AM

2:17-23722 **Kody Branch of California, Inc.**

Chapter 7

Adv#: 2:19-01479 Avery v. Trinh

#20.00 Cont'd status conference re: Complaint for (1) breach of fiduciary duty; (2) conversion; (3) misappropriation of trade secrets; (4) wrongful disparagement of debtor's assets; (5) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of actual fraudulent transfers; (7) avoidance, recovery, and preservation of constructive fraudulent transfers; (8) unauthorized post-petition transfers; and (9) turnover of property of the estate
fr. 9/30/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 3/31/21 to 6/2/21 at 11:30 a.m.
per stip & order entered on 3/12/21-pp.**

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. Continued by stipulation and order to 6/2/21 at 11:30 a.m. No appearances are required on 3/31/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Tony Trinh

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald

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

Wednesday, March 31, 2021

Hearing Room 1675

11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

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, April 6, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605311974>

ZoomGov meeting number: 160 531 1974

Password: 391236

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, April 6, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, April 6, 2021

Hearing Room 1675

10:30 AM

2:20-10950 Richard B. Dorfman

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(U.S. Bank NA VS Debtor)

Docket 73

Tentative Ruling:

Revised tentative ruling as of 4/5/21. Counsel for debtor called the courtroom deputy to advise that he will appear for the scheduled hearing on the motion on 4/6/21 at 10:30 a.m., apparently wanting to be heard on the motion, though debtor has not filed any written response to the motion, and the court will call the matter on the calendar at 10:30 a.m. to hear from counsel for debtor.

However, the court does not change its tentative ruling to grant the motion. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and will grant 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.

Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Richard B. Dorfman

Represented By
Raymond H. Aver

Trustee(s):

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

Tuesday, April 6, 2021

Hearing Room 1675

10:30 AM

CONT... Richard B. Dorfman

Chapter 7

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 6, 2021

Hearing Room 1675

11:00 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 to abstain
fr. 10/27/20, 12/1/20, 1/5/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd 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 fr. 10/27/20, 12/1/20, 1/5/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 10/27/20, 12/1/20, 1/5/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 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. 10/27/20, 12/1/20, 1/5/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 10/27/20, 12/1/20, 1/5/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 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. 10/27/20, 12/1/20, 1/5/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title,
cancel the deed and note
fr. 9/23/20, 10/27/20, 12/1/20, 1/5/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 10/27/20, 12/1/20, 1/5/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd pretrial 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. 10/27/20, 12/1/20, 1/5/21

Docket 1

Tentative Ruling:

No tentative ruling as of 4/1/21. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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 6, 2021

Hearing Room 1675

11:00 AM

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 6, 2021

Hearing Room 1675

11:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#11.00 Cont'd pretrial 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. 10/27/20, 12/1/20, 1/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/1/21. See tentative ruling for item number 10.

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**

Tuesday, April 6, 2021

Hearing Room 1675

11:00 AM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#11.10 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 3/20/21

Docket 1

Tentative Ruling:

The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, April 6, 2021

Hearing Room 1675

11:00 AM

CONT... Wanderluxxe, LLC

Chapter 7

James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

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 6, 2021

Hearing Room 1675

1:30 PM

2:18-12552 Zero Energy Contracting, Inc

Chapter 7

Adv#: 2:20-01053 Mastan, Chapter 7 Trustee v. JPMORGAN CHASE BANK, N.A.

#12.00 Cont'd status conference re: Complaint for (1) Avoidance of preferential transfers [11 U.S.C. §547]; (2) Avoidance of post-petition transfers [11 U.S.C. §549]; (3) Disallowance of claims [11 U.S.C. §502]; (4) Recovery of avoided transfers [11 U.S.C. §550]; and (5) Preserving Transfers [11 U.S.C. § 551] fr. 7/21/20, 9/29/20, 1/5/21

Docket 1

***** VACATED *** REASON: Cont'd from 4/6/21 to 7/6/21 at 1:30 p.m. per stip & order entered on 4/1/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 7/6/21 at 1:30 p.m. No appearances are required on 4/6/21.

Party Information

Debtor(s):

Zero Energy Contracting, Inc

Represented By
Devin Sreecharana
Andrew Harnisch
Grant Cartwright

Defendant(s):

JPMORGAN CHASE BANK, N.A.

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett

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

Tuesday, April 6, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#13.00 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
fr. 10/27/20, 12/15/20, 2/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/5/21. The court has reviewed plaintiffs' unilateral status report and plaintiffs' draft discovery dispute stipulation. No tentative ruling on the merits. The parties should discuss the status of their meet and confer efforts regarding plaintiffs' discovery requests and plaintiffs' anticipated discovery dispute motion. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/14/20. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 10/22/20. No tentative ruling on the merits. Appearances are required on 10/27/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Alfred Lee Stringer

Pro Se

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

Tuesday, April 6, 2021

Hearing Room 1675

1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

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, April 6, 2021

Hearing Room 1675

1:30 PM

2:19-15989 Briena Sheree Casares

Chapter 7

#14.00 Status conference re: Chapter 7 Trustee's motion for order compelling turnover of estate property and documents
fr. 12/15/20, 2/2/21

Docket 41

Tentative Ruling:

Updated tentative ruling as of 4/1/21. The court has reviewed the trustee's status report re: turnover. The court also notes that the application to employ the real estate broker is pending, but had a question regarding the estate's ability to convey title since the property is still in probate (i.e., how will title be conferred to the bankruptcy estate through the probate proceedings, i.e., motion for final distribution and decree?). Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. In light of the lack of any response by debtor to the order granting the trustee's turnover motion, the court is inclined to grant trustee's request for an order authorizing eviction to effectuate the turnover order. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Grant trustee's motion for turnover for the reasons stated in the moving papers and for lack of timely written opposition. However, with respect to executing the turnover order, trustee should address whether there is any restriction on execution of a turnover order due to restrictions of the current state or county safer-at-home orders, other covid-19 safety precautions or the current federal and state residential eviction moratoriums. Appearances are required on 12/15/20, but counsel and self-represented parties must appear by telephone.

Party Information

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

Tuesday, April 6, 2021

Hearing Room 1675

1:30 PM

CONT... Briena Sheree Casares

Chapter 7

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, April 6, 2021

Hearing Room 1675

1:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#15.00 Hearing re: Motion of A.O.E. Law & Associates, APC to withdraw as defendant's counsel in the adversary proceeding

Docket 94

Tentative Ruling:

No tentative ruling as of 4/1/21. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, April 6, 2021

Hearing Room 1675

1:30 PM

2:20-20744 Garen Oganisyan

Chapter 7

Adv#: 2:21-01027 Aleksandrova v. Oganisyan

#16.00 Status conference re: Complaint for (1) determination of dischargeability of debt; and (2) in objection to discharge

Docket 1

Tentative Ruling:

The court has reviewed the joint status report. Since the debts allegedly owed by defendant to plaintiff are not yet liquidated as the state court action is stayed by this bankruptcy case, perhaps the court should abstain and allow the state court action to proceed to judgment with appropriate stay relief and then the dischargeability and discharge denial claims can then be litigated. If the court does not abstain, the litigation schedule proposed by plaintiff is reasonable in light of current pandemic conditions. The court will also refer the matter to the court's voluntary mediation program. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Garen Oganisyan

Represented By
Sevan Gorginian

Defendant(s):

Garen Oganisyan

Pro Se

Plaintiff(s):

Alesia Aleksandrova

Represented By
Albert J Tumpson

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 6, 2021

Hearing Room 1675

1:30 PM

CONT...

Garen Oganisyan

Chapter 7

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

Tuesday, April 6, 2021

Hearing Room 1675

2:30 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 hearing re: Plaintiff Swift Financial's motion to clarify/modify judgment to include amount of judgment fr. 2/2/21

Docket 68

Tentative Ruling:

The moving papers do not substantiate the claimed amount of damages of \$98,236.88. There is no breakdown of how this amount was computed as the specific components of movant's damages are not identified in the motion. It appears to the court that the only amount substantiated by the evidence in the summary judgment motion papers is the amount of the loan of \$75,000. That was the amount of the loss for the purposes of computing damages rather than the contract amount of \$92,175.00, which is not the amount of the tort loss. Movant needs to demonstrate with specific evidence what its damages are to be liquidated in the judgment that it seeks entry. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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

Tuesday, April 6, 2021

Hearing Room 1675

2:30 PM

CONT... Avi Cohen

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 6, 2021

Hearing Room 1675

2:30 PM

2:19-23477 Kristina Eva Arius

Chapter 7

Adv#: 2:20-01689 Ehrenberg, Chapter 7 Trustee v. Capstone Coatings & Windows, a California

#18.00 Hearing re: Plaintiff's motion for default judgment Under LBR 7055-1

Docket 12

Tentative Ruling:

The court has reviewed the moving papers and is inclined to grant the motion, except as to the full amount of costs of \$12,995.01 since the Restitution Order involved multiple victims, including debtor, and as such, it does not appear that the full amount of costs should be allocated to debtor alone as there were eight victims in total for which the total amount of costs of \$12,995.01 was incurred. See Default Decision, Exhibit 1 at 4. Movant should show what costs are allocable to debtor as opposed to the other victims. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kristina Eva Arius

Represented By
L. Tegan Rodkey

Defendant(s):

Capstone Coatings & Windows, a

Pro Se

Terrence Randolph Kenney

Pro Se

Jack Iskander Avedesian

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Chapter 7

Represented By
Claire K Wu

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, April 6, 2021

Hearing Room 1675

2:30 PM

CONT... Kristina Eva Arius

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Claire K Wu

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

Tuesday, April 6, 2021

Hearing Room 1675

2:30 PM

2:20-17954 V.P. Manufacturing, Inc.

Chapter 7

#19.00 Cont'd hearing re: Motion to allow administrative expense
fr. 3/9/21

Docket 46

***** VACATED *** REASON: Cont'd from 4/6/21 to 5/4/21 at 2:30 p.m. per
stip & order entered on 3/23/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 5/4/21 at 2:30 p.m. No
appearances are required on 4/6/21.

Party Information

Debtor(s):

V.P. Manufacturing, Inc.

Represented By
Mark T Young
David M Goodrich

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich

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

Wednesday, April 7, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

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
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, April 7, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Wednesday, April 7, 2021

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.

#5.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea fr. 3/17/21

Docket 900

Tentative Ruling:

Updated tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); *Pacific Fuel Co., LLC v. Shell Oil Co.*, Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, *Kona Technology Corp. v. Southern Pacific Transportation Co.*, 225 F.3d 595, 611 (5th Cir. 2000) ("[A] trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'"). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, April 7, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century
instructions.

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
Alan I Nahmias

Defendant(s):

Ace Gallery New York Corporation,

Represented By
Alan W Forsley

Douglas Christmas

Represented By
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, April 7, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, April 7, 2021

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.

- #6.00** Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 10/22/20, 1/13/21, 3/17/21

Docket 713

Tentative Ruling:

Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of *Stern v. Marshall*, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to

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Los Angeles
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2:00 PM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
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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
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
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CONT...

Art and Architecture Books of the 21st Century

Jason Balitzer

Steven Thomas

Stephen Sorensen

Chapter 11

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Wednesday, April 7, 2021

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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.

#7.00 Hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Chrismas

Docket 937

Tentative Ruling:

Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400 South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Wednesday, April 7, 2021

Hearing Room 1675

2:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11
must appear through Zoom for Government in accordance with the court's
remote appearance instructions.

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):

Douglas Christmas

Represented By
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

**United States Bankruptcy Court
Central District of California
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CONT... Art and Architecture Books of the 21st Century Chapter 11

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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
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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.

#8.00 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. 1/13/21, 2/17/21, 3/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/2/21. No tentative ruling on the merits. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court on its own motion continues the status conference to be conducted with other hearings in this adversary proceeding scheduled one week later on 4/7/21 at 2:00 p.m. No appearances are required on 3/30/21.

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

**United States Bankruptcy Court
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Los Angeles
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Wednesday, April 7, 2021

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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
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Tuesday, April 13, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1607581364>

ZoomGov meeting number: 160 758 1364

Password: 241002

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Los Angeles
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10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, April 13, 2021

Hearing Room 1675

10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #1.10** Cont'd post discovery 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. 9/29/20, 3/9/21, 3/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/9/21. No tentative ruling on the merits. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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, April 13, 2021

Hearing Room 1675

10:30 AM

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, April 13, 2021

Hearing Room 1675

10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #1.20** 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. 1/12/21, 2/2/21, 3/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/9/21. No tentative ruling on the merits. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

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, April 13, 2021

Hearing Room 1675

10:30 AM

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, April 13, 2021

Hearing Room 1675

11:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

- #1.00** Pretrial 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. 12/2/20, 2/16/21, 3/16/21

Docket 1

Tentative Ruling:

Supplemental tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Revised and updated tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses,

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

Tuesday, April 13, 2021

Hearing Room 1675

11:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled

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

Tuesday, April 13, 2021

Hearing Room 1675

11:00 AM

CONT... **Philip Joseph Jaurigui**
to fully address all of these concerns.

Chapter 7

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, April 13, 2021

Hearing Room 1675

11:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

- #2.00** Pretrial 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. 12/2/20, 2/16/21, 3/16/21

Docket 1

Tentative Ruling:

Supplemental tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Revised and updated tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make

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

Tuesday, April 13, 2021

Hearing Room 1675

11:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

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

Tuesday, April 13, 2021

Hearing Room 1675

11:00 AM

CONT... Philip Joseph Jaurigui

Chapter 7

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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, April 13, 2021

Hearing Room 1675

1:30 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#3.00 Cont'd status conference re: Complaint for 1. declaratory relief; 2. Violation of discharge fr. 5/12/20, 6/9/20, 12/15/20

Docket 1

***** VACATED *** REASON: Cont'd from 4/13/21 to 6/8/21 at 1:30 p.m.
per stip & order entered on 2/3/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 6/8/21 at 1:30 p.m. No appearances are required on 4/13/21.

Party Information

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

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 13, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov et al

#4.00 Cont'd hearing re: Motion for entry of default judgement against defendant Simon Yaftadonay Pursuant to Federal Rule of Civil Procedure 55 as incorporated by Federal Rule of Bankruptcy Procedure 7055 and Local bankruptcy Rule 7055-1 fr. 10/13/20, 12/8/20, 2/9/21

Docket 21

Tentative Ruling:

Updated tentative ruling as of 4/9/21. The court has reviewed plaintiff's unilateral status report stating that defendant had filed a Chapter 7 bankruptcy case, which stays this adversary proceeding. No tentative ruling on the merits. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

Simon Shemtov

Pro Se

Simon Yaftadonay

Pro Se

Plaintiff(s):

David M. Goodrich

Represented By
Faye C Rasch

Trustee(s):

David M Goodrich (TR)

Represented By

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

Tuesday, April 13, 2021

Hearing Room 1675

1:30 PM

CONT...

SOCALDEAL INC

Chapter 7

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, April 13, 2021

Hearing Room 1675

1:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01280 Goodrich v. Shemtov

#5.00 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. 10/6/20, 12/8/20, 2/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/9/21. The court has reviewed plaintiff's unilateral status report stating that defendant had filed a Chapter 7 bankruptcy case, which stays this adversary proceeding. No tentative ruling on the merits. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Tuesday, April 13, 2021

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, April 13, 2021

Hearing Room 1675

1:30 PM

2:20-16259 Coby J. Hollier

Chapter 7

Adv#: 2:20-01646 Strategic Funding Source, Inc.d/b/a Kapitus v. Hollier

#6.00 Cont'd status conference re: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(a)(4) and (a)(6) fr. 12/15/20, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/9/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that it had filed a motion for default judgment. Due to the pendency of the motion for default judgment, the court on its own motion continues the status conference to 6/15/21 at 1:30 p.m. No appearances are required on 4/13/21.

Party Information

Debtor(s):

Coby J. Hollier

Represented By
Keith Q Nguyen

Defendant(s):

Coby J. Hollier

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.d/b/a

Represented By
Brian T Harvey

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 13, 2021

Hearing Room 1675

2:00 PM

2:18-21789 Samuel Marquez

Chapter 11

#7.00 Cont'd technical pretrial conference re: Objection to claim no.1 filed by the Internal Revenue Service
fr. 1/13/21, 2/17/21, 2/17/21

Docket 39

***** VACATED *** REASON: Continued from 4/13/21 to 6/16/21 at 11:30 a.m. per hearing held on 3/17/21-mb**

Tentative Ruling:

Off calendar. Continued to 6/16/21 at 11:30 a.m. per oral ruling at prior hearing on 3/17/21. No appearances are required on 4/13/21.

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, April 13, 2021

Hearing Room 1675

2:00 PM

2:18-21789 Samuel Marquez

Chapter 11

#8.00 Cont'd status conference re: Management of chapter 11 case
fr. 10/28/20, 1/13/21, 2/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/9/21. No tentative ruling on the merits.
Appearances are required on 4/13/21, but counsel and self-represented
parties must appear through Zoom for Government in accordance with the
court's remote appearance instructions.

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, April 13, 2021

Hearing Room 1675

2:30 PM

2:18-10524 Fox Property Holdings, LLC

Chapter 11

#9.00 Hearing re: Motion for authority to obtain post-petition insurance premium financing to renew property insurance policy

Docket 269

Tentative Ruling:

Revised tentative ruling as of 4/12/21. Off calendar. In light of the lack of any timely written opposition to the debtor's motion for authority to obtain postpetition insurance premium financing to renew property insurance policy, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to FRBP 4001(d)(3) and Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants the motion pursuant to 11 U.S.C. 364, including the relief requested on page 13 of the motion, specifically including the waiver of the stay under FRBP 6004(h), to the extent that such rule is applicable, for the reasons stated in the moving papers and for lack of timely written opposition. No appearances are required on 4/13/21. Debtor must 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 13, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#10.00 Hearing re: Final fairness
fr. 2/2/21

Docket 502

Tentative Ruling:

Revised tentative ruling as of 4/12/21. The court will conduct a final fairness hearing on the Settlement Agreement and the settlement thereunder set forth in the joint motion for order granting preliminary approval of settlement, certifying class for purposes of settlement, appointing class representative and class counsel, directing notice to settlement class and scheduling final fairness hearing. The court's tentative ruling on the merits is to approve the Settlement Agreement and the settlement thereunder as set forth in the joint motion for the reasons stated in the moving papers and the declaration of service regarding the mailing of the settlement notice and for lack of timely written opposition pursuant to LBR 9013-1(f) and (h). Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, April 13, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

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

#11.00 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. 10/27/20, 1/19/21, 2/2/21

Docket 1

Tentative Ruling:

Revised tentative ruling as of 4/12/21. No tentative ruling on the merits, although if the pending class settlement is approved on a final basis, the status conference will be moot based on the settlement, though a dispositive order for the adversary proceeding will need to be submitted for approval of the court. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Tuesday, April 13, 2021

Hearing Room 1675

2:30 PM

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
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Wednesday, April 14, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608481966>

ZoomGov meeting number: 160 848 1966

Password: 866393

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, April 14, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, April 14, 2021

Hearing Room 1675

11:00 AM

2:16-24758 Swing House Rehearsal and Recording, Inc.

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. 3/11/20, 9/16/20, 2/3/21

Docket 1

Tentative Ruling:

Off calendar. The court on its own motion continues the status conference in this case to 4/28/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the only one of two matters on calendar on 4/14/21 and the court is generally aware of the status of this case. No appearances are required on 4/14/21.

Party Information

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, April 14, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#2.00 Cont'd status conference re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee
fr. 8/19/20, 11/18/20, 2/17/21

Docket 291

Tentative Ruling:

Off calendar. The court on its own motion continues the hearing on this contested matter to 4/28/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the one of only two matters on calendar on 4/14/21 and the objection is probably moot due to the settlement of the claim dispute through plan confirmation. No appearances are required on 4/14/21.

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**

Monday, April 19, 2021

Hearing Room 1675

1:00 PM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613520184>

ZoomGov meeting number: 161 352 0184

Password: 417760

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Monday, April 19, 2021

Hearing Room 1675

1:00 PM
CONT...

Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Monday, April 19, 2021

Hearing Room 1675

1:00 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#1.00 TRIAL BY ZOOM 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. 12/16/20, 1/19/21, 1/26/21

Docket 118

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the final hearing on the motion to 5/3/21 at 2:00 p.m. because having considered the voluminous papers and authorities relating to the motion, the court has prepared a written tentative ruling on the motion to be issued shortly by docketed order which raises concerns and authorities not raised by the parties in the papers, and the court believes that the parties should have a prior opportunity to consider and address the tentative ruling at the final hearing. A formal order continuing the hearing to 5/3/21 at 2:00 p.m. is being entered. No appearances are required on 4/19/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/25/21. The court has approved the stipulation of the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is

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

Monday, April 19, 2021

Hearing Room 1675

1:00 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

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

Monday, April 19, 2021

Hearing Room 1675

1:00 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

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, April 20, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613256036>

ZoomGov meeting number: 161 325 6036

Password: 797367

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, April 20, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, April 20, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01474 Avery v. Voong

#1.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 7/21/20, 9/29/20, 12/15/20

Docket 1

***** VACATED *** REASON: Cont'd from 4/20/21 to 6/2/21 at 11:30 a.m.
per order entered on 4/19/21-mb**

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. Upon reconsideration, the court continues the status conference in this matter to 6/2/21 at 11:30 a.m. The court will issue an order to continue the status conference. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. The court has reviewed plaintiff's unilateral status report. The court declines plaintiff's request to continue the status conference as defendant is now self-represented and has not stipulated to continue the status conference. The court wants to ascertain at the status conference if defendant has any intention to defend this adversary proceeding. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Kevin Voong

Pro Se

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

Tuesday, April 20, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, April 20, 2021

Hearing Room 1675

1:30 PM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:18-01209 Voong v. Trinh

#2.00 Cont'd status conference re: Adversary complaint for declaratory relief
fr. 6/30/20, 9/29/20, 12/15/20

Docket 1

***** VACATED *** REASON: Cont'd from 4/20/21 to 6/2/21 at 11:30 a.m.
per order entered on 4/19/21-mb.**

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. Continued on the court's own motion to 6/2/21 at 11:30 a.m. by order entered on 4/19/21. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. The court wants to discuss with the parties as to whether it should proceed with the remaining unadjudicated claims in light of plaintiff's further interlocutory appeal to the Ninth Circuit on some claims. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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, April 20, 2021

Hearing Room 1675

1:30 PM

2:18-17189 Seven-Bros Enterprises, Inc.

Chapter 7

#3.00 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. 6/30/20, 9/29/20, 12/15/20

Docket 36

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. Continued on the court's own motion to 6/2/21 at 11:30 a.m. by order entered on 4/19/21. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, April 20, 2021

Hearing Room 1675

1:30 PM

2:18-17189 Seven-Bros Enterprises, Inc.

Chapter 7

#4.00 Cont'd hearing re: Motion of Salvato Law Offices to withdraw as counsel for debtor fr. 6/30/20, 12/15/20, 12/15/20

Docket 82

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. Continued on the court's own motion to 6/2/21 at 11:30 a.m. by order entered on 4/19/21. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, April 21, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, April 21, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Wednesday, April 21, 2021

Hearing Room 1675

11:00 AM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case
fr. 6/3/20, 8/5/20, 12/9/20

Docket 1

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/26/21 at 11:00 a.m.-
mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Revised and updated tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the hearing on this contested matter to 5/26/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the one of only two cases on calendar on 4/21/21 and the court is generally aware of the status of the case, awaiting resolution of the WARN Act class action litigation. No appearances are required on 4/21/21.

Prior tentative ruling as of 4/14/21. No tentative ruling on the merits. Appearances are required on 4/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, April 21, 2021

Hearing Room 1675

2:00 PM

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 to abstain
fr. 12/1/20, 1/5/21, 4/6/21

Docket 414

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd 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 fr. 12/1/20, 1/5/21, 4/6/21

Docket 390

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 12/1/20, 1/5/21, 4/6/21

Docket 362

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 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. 12/1/20, 1/5/21, 4/6/21

Docket 397

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 12/1/20, 1/5/21, 4/6/21

Docket 412

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 12/1/20, 1/5/21, 4/6/21

Docket 377

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note fr. 12/1/20, 1/5/21, 4/6/21

Docket 399

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 12/1/20, 1/5/21, 4/6/21

Docket 351

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

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

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd pretrial 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. 12/1/20, 1/5/21, 4/6/21

Docket 1

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m.
per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. No tentative ruling on the merits.
Appearances are required on 4/21/21, but counsel and self-represented
parties must appear through Zoom for Government in accordance with the
court's remote appearance instructions.

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**

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

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**

Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#11.00 Cont'd pretrial 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. 12/1/20, 1/5/21, 4/6/21

Docket 1

***** VACATED *** REASON: Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21-mb.**

Courtroom Deputy:

[Cont'd from 4/21/21 to 5/5/21 at 2:00 p.m. per order entered on 4/19/21]

Tentative Ruling:

Updated tentative ruling as of 4/14/21. See tentative ruling for item number 10.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, April 21, 2021

Hearing Room 1675

2:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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
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Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1601817710>

ZoomGov meeting number: 160 181 7710

Password: 014516

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Judge Robert Kwan, Presiding
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Tuesday, April 27, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, April 27, 2021

Hearing Room 1675

10:30 AM

2:12-15811 People's Choice Home Loan, Inc.

Chapter 11

#1.00 Hearing re: Motion for relief from stay
(MTGLQ Investors, L.P. VS Debtor)

Docket 3004

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 4/27/21. Movant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

People's Choice Home Loan, Inc.

Represented By
Jeffrey W Dulberg
James KT Hunter
Jeremy V Richards
Robert M Saunders
Justin E Rawlins
David L Wilson
Jason Harbour
Daniel I Barness

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 27, 2021

Hearing Room 1675

10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #1.10** Cont'd post discovery 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. 3/9/21, 3/30/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Plaintiff(s):

Wesley H Avery

Represented By
Carmela Pagay

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

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
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Tuesday, April 27, 2021

Hearing Room 1675

10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

- #1.20** 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. 2/2/21, 3/30/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Plaintiff(s):

Wesley H Avery

Represented By
Carmela Pagay

**United States Bankruptcy Court
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Los Angeles
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Tuesday, April 27, 2021

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10:30 AM

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
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Tuesday, April 27, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#2.00 Order to show cause why Jin Suk Suh d/b/a S K Accountax Service should not be held in contempt for failure to produce documents

Docket 96

Tentative Ruling:

No tentative ruling as of 4/21/21. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#3.00 Order to show cause why Man Sik Kim should not be held in contempt for failure to produce documents

Docket 97

Tentative Ruling:

No tentative ruling as of 4/21/21. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

**United States Bankruptcy Court
Central District of California
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#4.00 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. 12/15/20, 2/2/21, 4/6/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. The parties should discuss the status of defendant's responses to plaintiffs' outstanding discovery requests, and the court will hear argument on plaintiffs' discovery dispute motion and will discuss scheduling of further litigation proceedings, including rescheduling the pretrial conference. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/5/21. The court has reviewed plaintiffs' unilateral status report and plaintiffs' draft discovery dispute stipulation. No tentative ruling on the merits. The parties should discuss the status of their meet and confer efforts regarding plaintiffs' discovery requests and plaintiffs' anticipated discovery dispute motion. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Alfred Lee Stringer

Pro Se

**United States Bankruptcy Court
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1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

Sharlet Marie Lee

Represented By
Albert L Chaney III

Trustee(s):

Elissa Miller (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 11

Adv#: 2:19-01102 Sunderland et al v. Okland

#5.00 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. 12/15/20, 1/12/21, 3/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. The court has reviewed the joint status report. Appearances are required on 4/27/21 to discuss scheduling of further proceedings, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:19-22853 Arka Sangbarani Oroojian

Chapter 7

Adv#: 2:20-01020 Yates v. Oroojian

#6.00 Cont'd status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. §523 (a)(6); demand for jury trial fr. 4/7/20, 5/5/20, 12/1/20

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. The parties should report on the status of the related state court litigation. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior updated and supplemental tentative ruling as of 5/4/20. After considering the supplemental briefing of the parties ordered by the court, the court provides the following as its supplemental tentative ruling to its tentative ruling of 5/1/20: The court will abstain from determining the underlying state law tort claims that plaintiff has against defendant pursuant to statutory permissive abstention under 28 U.S.C. 1334(c)(1) and nonstatutory abstention under *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976). The factors that the court has considered for permissive abstention are set forth in *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1167 (9th Cir. 1990): 1) the effect or lack thereof on the efficient administration of the estate if a Court recommends abstention (favoring abstention for lack of effect on efficient administration of the estate), (2) the extent to which state law issues predominate over bankruptcy issues (favoring abstention since plaintiff's tort claims are governed by state law), (3) the difficulty or unsettled nature of the applicable law (neutral since the applicable law is not difficult or unsettled), (4) the presence of a related proceeding commenced in state court

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CONT... Arka Sangbarani Oroojian

Chapter 7

or other nonbankruptcy court (favoring abstention, there is pending state law court action stayed by this bankruptcy case), (5) the jurisdictional basis, if any, other than 28 U.S.C. § 1334 (favoring abstention since the only basis for jurisdiction is the court's related to jurisdiction), (6) the degree of relatedness or remoteness of the proceeding to the main bankruptcy case (favoring abstention since the dispute in the adversary proceeding is remote to the main bankruptcy case), (7) the substance rather than form of an asserted "core" proceeding (favoring abstention because the underlying tort claims are noncore proceedings), (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 (favoring abstention, severance of state law claims to be tried in state court from the dischargeability claim can be accomplished), (9) the burden of [the bankruptcy court's] docket (favoring abstention, trying the tort claim would be burdensome on the bankruptcy court or district court's docket pursuant to 28 U.S.C. 157(b)(5)), (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties (this factor is neutral as the court makes no determination of forum shopping), (11) the existence of a right to a jury trial (favoring abstention since the parties have the right to jury trial on the tort claims), and (12) the presence in the proceeding of nondebtor parties (not favoring abstention since the only parties to the dispute are before the court). Based on the overwhelming presence of factors favoring abstention, the court exercises permissive abstention as to plaintiff's tort claims underlying her nondischargeability action.

The court also exercises nonstatutory Colorado River abstention as the factors for such abstention favor abstention because: (1) state law provides the rule of decision on the merits; (2) the state court proceeding is adequate to protect the parties' rights; and (3) the state court obtained and exercised jurisdiction first as the state court action was ready to go to trial before defendant filed his bankruptcy case, staying that action. *In re Bellucci*, 119 B.R. 763, 775-776 (Bankr. E.D. Cal. 1990) (citations omitted). "Under the Colorado River doctrine, a federal trial court has discretion in 'exceptional circumstances' and despite the general obligation to exercise jurisdiction, to stay or dismiss an action for reasonable of wise judicial administration solely because of parallel litigation in state court." *Id.* At 775 (citations omitted).

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CONT... Arka Sangbarani Oroojian

Chapter 7

Thus, the court abstains from hearing plaintiff's state law tort claims and stays this action until the state court determines those claims, and afterwards, the court will then determine plaintiff's debt dischargeability claims in this adversary proceeding.

In so abstaining, the court will also grant stay relief sua sponte to allow the state court action to proceed to judgment, but not permitting enforcement of any judgment against the debtor or property of the estate unless further stay relief is obtained by order of the court or by operation of statute. In re Belluci, 119 B.R. at 778-779; accord, In re Calkins, BAP No. AZ-17-1284-LBTa, 2019 WL 1594016 (9th Cir. BAP 2019), slip op. at *4.

Prior tentative ruling as of 5/1/20. The court has reviewed the supplemental briefing of the parties regarding the court's prior tentative ruling on abstention and stay relief. No tentative ruling on the merits. Appearances are required on 5/5/20 to discuss whether further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Revised tentative ruling as of 4/6/20. Having read the joint status report noting pending litigation in the state court to liquidate any alleged debt of defendant to plaintiff from alleged personal injuries based on tort, which is stayed by the underlying bankruptcy case, the court is inclined to abstain and grant stay relief to allow plaintiff's state court action to proceed to liquidate the debt, if any, either under mandatory or permissive abstention under 28 U.S.C. 1334(c)(1) or (2). See In re Tucson Estates, Inc., 912 F.2d 1162 (9th Cir. 1990). In this matter, plaintiff seeks a determination of debt dischargeability where the alleged debt based on personal injury torts has not been liquidated. Debt dischargeability cannot be determined until the liability for the debt has been determined and liquidated. The underlying tort liability is not pleaded in the adversary complaint, and it is unclear from the pleadings where the underlying tort liability should be tried and determined, i.e., whether in this adversary proceeding or in the state court proceeding, which is now stay by the bankruptcy case. One consideration is that any personal injury tort claims if not tried in state court must be tried in the district court in this district pursuant to 28 U.S.C. 157(b)(4), though perhaps the parties could consent to this court so trying these claims. If the court abstains, the court would stay the pending adversary proceeding for dischargeability of debt pending the outcome of the state court tort litigation. The court intends to issue an order

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CONT... Arka Sangbarani Oroojian

Chapter 7

to show cause why this court should not abstain from hearing the unpled but underlying personal injury tort claims, but otherwise, retaining the debt dischargeability claim to be determined after the alleged debt liability has been determined. The court would consider the factors for permissive abstention and stay relief in *In re Tucson Estates, Inc.*, 912 F.2d at 1166-1167. In reviewing the status report, the court is of the view that the proposed pretrial and trial schedule is unrealistic, given the social turmoil from the current coronavirus pandemic and the need for extensive discovery proceedings relating to determination of the underlying alleged tort liability and the need for a trial of the personal injury tort claims in the district court if the court does not abstain. Appearances are required on 4/7/20, but counsel must appear by telephone.

Party Information

Debtor(s):

Arka Sangbarani Oroojian

Represented By
Roland H Kedikian

Defendant(s):

Arka Sangbarani Oroojian

Pro Se

Plaintiff(s):

Rhianna Yates

Represented By
Jesenia Martinez

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:19-23477 Kristina Eva Arius

Chapter 7

Adv#: 2:20-01689 Ehrenberg, Chapter 7 Trustee v. Capstone Coatings & Windows, a California

#7.00 Cont'd status conference re: Complaint for: (1) entry of judgment against defendants and enforcement of restitution order; and (2) turnover of property fr. 2/16/21

Docket 1

***** VACATED *** REASON: Judgment entered on 4/12/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot as judgment has been entered against defendants. No appearances are required on 4/27/21.

Party Information

Debtor(s):

Kristina Eva Arius

Represented By
L. Tegan Rodkey

Defendant(s):

Capstone Coatings & Windows, a

Pro Se

Terrence Randolph Kenney

Pro Se

Jack Iskander Avedesian

Pro Se

Plaintiff(s):

Howard M Ehrenberg, Chapter 7

Represented By
Claire K Wu

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Claire K Wu

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:19-23548 Tarel Deshun Meeks

Chapter 7

Adv#: 2:21-01035 United States Trustee (LA) v. Meeks

#8.00 Status conference re: Complaint to revoke the debtor's discharge pursuant to 11 U.S.C. §§727(d)(1) and (2)

Docket 1

Tentative Ruling:

The court has reviewed the joint status report and will set the following pretrial schedule: (1) deadline to file motion to add parties or amend pleadings, 5/28/21; (2) discovery cutoff date, 7/30/21; (3) deadline to file pretrial motions, 7/30/21; and (4) post-discovery status conference, 8/10/21 at 1:30 p.m. Plaintiff to lodge a proposed scheduling order within 7 days of hearing. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Tarel Deshun Meeks

Represented By
Scott Kosner

Defendant(s):

Tarel Deshun Meeks

Pro Se

Plaintiff(s):

United States Trustee (LA)

Represented By
Eryk R Escobar

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#9.00 Cont'd status conference re: Complaint for non dischargeability of debt pursuant to 11 U.S.C. §523(a)(2)(A) & §523(a)(6) and for discharge of bankruptcy pursuant to 11 U.S.C. §727(a)(4)(A) & §727(a)(5) fr. 2/16/21

Docket 1

Tentative Ruling:

Corrected and updated tentative ruling as of 4/21/21. Off calendar. The court has reviewed plaintiffs' unilateral status report stating that they are preparing an amended motion for default judgment and requesting a continuance to allow them to file the amended motion. The court on its own motion continues the status conference for this purpose to 6/29/21 at 1:30 p.m. No appearances are required on 4/27/21.

Prior tentative ruling as of 2/16/21. The court has reviewed plaintiffs' unilateral status report filed on 2/15/21, stating that default was entered against defendant and that plaintiffs will be filing a motion for default judgment, and requesting a continuance of the status conference for plaintiffs to prepare and file a motion for default judgment. The court on its own motion continues the status conference to 4/27/21 at 1:30 p.m. and orders plaintiffs to file an updated status report by 4/20/21 if a motion for default judgment is not filed by that date. No appearances are required on 2/16/21.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

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

Tuesday, April 27, 2021

Hearing Room 1675

1:30 PM

CONT... Fereidoun Chaparli

Chapter 7

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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, April 27, 2021

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 Hearing re: Motion to rehear motion to dismiss

Docket 206

Tentative Ruling:

No tentative ruling as of 4/21/21. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

#11.00 Cont'd hearing re: Motion of chapter 7 trustee for summary judgment against George Shemtov
fr. 12/1/20, 1/19/21, 3/9/21

Docket 29

***** VACATED *** REASON: Cont'd from 4/27/21 to 6/29/21 at 2:30 p.m.
per stip & order entered on 4/21/21-mb.**

Tentative Ruling:

Revised and updated tentative ruling as of 4/21/21. Off calendar. Continued by stipulation and order to 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

George Shemtov

Represented By
Keith F Rouse

Movant(s):

David M. Goodrich

Represented By
Faye C Rasch

Plaintiff(s):

David M. Goodrich

Represented By
Faye C Rasch

Trustee(s):

David M Goodrich (TR)

Represented By

**United States Bankruptcy Court
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CONT...

SOCALDEAL INC

Chapter 7

Faye C Rasch

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

- #12.00** 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. 12/1/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 4/21/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 and the stipulation to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. The court also notes that the hearing on plaintiff's pending summary judgment motion is continued to 3/9/21 at 2:30 p.m. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a

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2:30 PM

CONT... SOCALDEAL INC

Chapter 7

possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

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
Weiland Golden Goodrich LLP

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Central District of California
Los Angeles
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01277 Goodrich v. Shemtov

- #13.00** 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. 12/1/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

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CONT... SOCALDEAL INC

Chapter 7

accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

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

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SOCALDEAL INC

Chapter 7

Faye C Rasch

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01278 Goodrich v. Shemtov

- #14.00** 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. 12/1/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in

**United States Bankruptcy Court
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CONT... SOCALDEAL INC

Chapter 7

accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

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

**United States Bankruptcy Court
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CONT...

SOCALDEAL INC

Chapter 7

Faye C Rasch

Beth Gaschen

Weiland Golden Goodrich LLP

**United States Bankruptcy Court
Central District of California
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01279 Goodrich v. Shemtov

- #15.00** 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. 12/1/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in

**United States Bankruptcy Court
Central District of California
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CONT... SOCALDEAL INC

Chapter 7

accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

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

**United States Bankruptcy Court
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CONT... SOCALDEAL INC

Chapter 7

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
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Courtroom 1675 Calendar**

Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:20-12202 Richard Ochoa Telles

Chapter 7

#16.00 Hearing re: Objection to claim filed by Ryan Sluggett [Claim #8]

Docket 65

***** VACATED *** REASON: Notice of withdrawal filed on 4/1/21-mb**

Tentative Ruling:

Off calendar. Objection to claim withdrawn by notice filed on 4/1/21. No appearances are necessary.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:20-15143 Vance Tyler Williams, Sr. and Esmeralda Sanchez Williams

Chapter 7

#17.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Jason M. Rund, Chapter 7 Trustee]

Docket 57

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 4/27/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Vance Tyler Williams Sr.

Represented By
Chris T Nguyen

Joint Debtor(s):

Esmeralda Sanchez Williams

Represented By
Chris T Nguyen

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:20-15143 Vance Tyler Williams, Sr. and Esmeralda Sanchez Williams

Chapter 7

#18.00 Hearing re: Application for fees and expenses
[Hahn Fife & Co., LLP, Accountant for Chapter 7 Trustee]

Docket 54

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 4/27/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Vance Tyler Williams Sr.

Represented By
Chris T Nguyen

Joint Debtor(s):

Esmeralda Sanchez Williams

Represented By
Chris T Nguyen

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:20-16259 Coby J. Hollier

Chapter 7

Adv#: 2:20-01646 Strategic Funding Source, Inc.d/b/a Kapitus v. Hollier

#19.00 Hearing re: Plaintiff's motion for entry of default judgment

Docket 13

Tentative Ruling:

Grant motion for default judgment for the reasons stated in the moving papers. Appearances are optional on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions. Plaintiff must file a bill of costs to support the claimed amount of costs of \$682.74 and lodge a proposed order granting the motion and a proposed judgment within 7 days of hearing.

Party Information

Debtor(s):

Coby J. Hollier

Represented By
Keith Q Nguyen

Defendant(s):

Coby J. Hollier

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.d/b/a

Represented By
Brian T Harvey
Nicholas S Couchot

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:20-19034 Devin Jefferson

Chapter 7

#20.00 Hearing re: United States Trustee's motion to dismiss pursuant to 11 U.S.C. §§ 707(b)(1), (b)(2), and (b)(3) and for cause pursuant to 11 U.S.C. §707(a) with one-year bar to refiling

Docket 25

Tentative Ruling:

No tentative ruling as of 4/21/21. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Devin Jefferson

Pro Se

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, April 27, 2021

Hearing Room 1675

2:30 PM

2:20-19257 Chien Ping Luu

Chapter 7

Adv#: 2:21-01005 Langer's Delicatessen, Inc. v. ZHAO et al

#21.00 Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 14

Tentative Ruling:

Having reviewed the motion for default judgment, the court is inclined to grant the motion for the reasons stated in the moving papers. However, the court will simply enter judgment for declaratory relief that the judgment debt liquidated by the state court as reflected in its second amended judgment filed on 8/6/19 is excepted from discharge pursuant to 11 U.S.C. 523(a)(2)(A) and (6). This court is not liquidating the amount determined by the state court which is a matter of res judicata (claim preclusion), and the court's determination does not affect the running of postjudgment interest at the state law rate. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Chien Ping Luu

Represented By
Elizabeth Lou

Defendant(s):

CHIEN PING LUU

Pro Se

LIXIA ZHAO

Pro Se

Joint Debtor(s):

Lixia Zhao

Represented By
Elizabeth Lou

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

CONT... Chien Ping Luu

Chapter 7

Plaintiff(s):

Langer's Delicatessen, Inc.

Represented By
Steven M Garber

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, April 28, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616461070>

ZoomGov meeting number: 161 646 1070

Password: 719050

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Los Angeles
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Wednesday, April 28, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#1.00 Cont'd hearing re: Application for payment of final fees and/or expenses for Fredman Lieberman Pearl LLP, debtor's attorney, Period: 2/2/2018 to 1/28/2021, Fee: \$635,953.00, Expenses: \$10,302.61.
fr. 3/31/21

Docket 549

Tentative Ruling:

Revised and tentative ruling as of 4/26/21. The court is unable to complete its review of the application because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application consisting of over 300 pages. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., accountant), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks, or unreasonable charges, that is, charging \$50.00 each time an attorney looks at a document filed in the case, whether or not there is any action taken on the document (e.g., looking at orders approving stipulations, which require no action by applicant), which amount to hundreds, if not, thousands of dollars, without any specific benefit to the estate. Given these concerns over reasonableness, which at this time the court does not expect to be

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substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).
Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:18-11475 Catherine Trinh

Chapter 11

#2.00 Hearing re: Application for payment of: final fees and/or expenses (11 U.S.C. 330) for Philip Kaufler, special counsel, fee: \$12,3922.50, expenses: \$1,864.50

Docket 567

Tentative Ruling:

Revised and tentative ruling as of 4/26/21. Service of the application is deficient because the proof of service does not show that all creditors have been served with 21 days notice of the application as required by FRBP 2002(a)(6) and 9013. The hearing will have to be continued because applicant will have to serve all creditors with notice of the application.

The application is deficient because there is no separately filed declaration from the client indicating that she has reviewed the application and has no objection to it, and applicant's declaration describing the steps that were taken to obtain the client's declaration and response thereto as required by LBR 2016-1(a)(1)(J) and (c)(2) is deficient because it is vague and conclusory as to the details of such steps to contact the client and obtain her declaration.

The hearing will also have to be continued because the court needs additional time to review the reply documents filed on 4/21/21 by applicant consisting of about 800 pages of documents as the court has not received the judge's copy of the reply papers which applicant was required to deliver to chambers as required by LBR 5005-2(d) and Court Manual sections 2.5 and 3.5(b) and Appendix F.

The hearing will also have to be continued because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application and the need to review the documents relating to the tasks that were performed by applicant, including the some 784 pages of documents submitted by applicant in his request for judicial notice accompanying his reply to the opposition. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it

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seems to the court that some of the fees are not reasonable. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation and preparation of applicant's employment application (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks (i.e., applicant's employment application, preparation of the opposition to the motion of Second Generation for prejudgment interest).

The court will also treat the application as a contested matter under FRBP 9014 in light of opposition of creditor Second Generation, Inc. and set an evidentiary hearing on the application to resolve factual issues of reasonableness of the fees claimed by applicant. Parties to address scheduling of the evidentiary hearing, and whether discovery is needed. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Movant(s):

Philip Kaufler

Pro Se

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2:18-11475 Catherine Trinh

Chapter 11

#3.00 Hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503

Docket 563

Tentative Ruling:

Revised and updated tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:18-11475 Catherine Trinh

Chapter 11

#4.00 Hearing re: Application for payment of final fees and/or expenses of LEA Accountancy, LLP, Accountant

Docket 568

Tentative Ruling:

Revised and tentative ruling as of 4/26/21. The court is unable to complete its review of the application because: (1) no detailed explanation of the expenses of \$333.71 is contained in the application in order for the court to determine the reasonableness of the expenses under 11 U.S.C. 330; and (2) the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the billing entries attached to the application). In conducting this review, the court will have to review matters on the docket, such as the monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., counsel), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court also expects to disallow fees of applicant of several thousand dollars for attending disclosure statement hearings, which were unnecessary in the court's view, as other professionals (i.e., counsel) were appearing for debtor. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. Applicant will need to submit billing entries for the claimed expenses for the court to complete its review of the application, and thus, it appears that the hearing will need to be continued in order for movant to submit billing entries for claimed expenses and for the court to review them and the other fees claimed. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may

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"impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).
Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#4.10 Cont'd status conference re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee
fr. 11/18/20, 2/17/21, 4/14/21

Docket 291

Tentative Ruling:

No updated tentative ruling as of 4/21/21. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. Off calendar. The court on its own motion continues the hearing on this contested matter to 4/28/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the one of only two matters on calendar on 4/14/21 and the objection is probably moot due to the settlement of the claim dispute through plan confirmation. No appearances are required on 4/14/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#5.00 Hearing re: Motion to dismiss bankruptcy case

Docket 284

***** VACATED *** REASON: Rescheduled from 4/28/21 to 5/5/21 at 11:00
a.m. per notice filed on 4/13/21-mb.**

Tentative Ruling:

Off calendar. Renoticed for hearing on 5/5/21 at 11:00 a.m. No appearances are required on 4/28/21.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

Movant(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver
Raymond H. Aver

Shabnam Mesachi

Represented By
Raymond H. Aver

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11:00 AM

2:16-24758 Swing House Rehearsal and Recording, Inc.

Chapter 11

#5.10 Cont'd status conference re: Post confirmation of plan
fr. 9/16/20, 2/3/21, 4/14/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. Off calendar. The court on its own motion continues the status conference in this case to 4/28/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the only one of two matters on calendar on 4/14/21 and the court is generally aware of the status of this case. No appearances are required on 4/14/21.

Party Information

Debtor(s):

Swing House Rehearsal and

Represented By
Kurt Ramlo

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11:30 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#6.00 Cont'd order to show cause why this bankruptcy case should not be converted to chapter 7, dismissed or a chapter 11 trustee appointed and to stay proceedings in contested matters of debtor's objection to claim of Ghazar Zehnaly and second interim fee application of Foley & Lardner, LLP
fr. 2/10/21, 2/24/21

Docket 734

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior updated tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Sarkis Investments Company, LLC

Represented By
Ashley M McDow
Michael T Delaney
Fahim Farivar
Shane J Moses

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2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#7.00 Cont'd discovery dispute conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 12/17/20, 2/20/21, 2/24/21

Docket 343

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/16/20. Given the escalating costs of litigation of this bankruptcy case without a reasonable prospect of rehabilitation and the resulting diminution of the remaining assets of the estate, the court is considering staying the proceedings of this contested matter and issuing an order to show cause why this bankruptcy case should not be converted to Chapter 7 or a trustee appointed pursuant to 11 U.S.C. 1112(b)(4)(A). Appearances are required on 12/17/20, but counsel and self-represented parties must appear by telephone.

Party Information

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Chapter 11

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

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2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#8.00 Cont'd status conference re: Management of chapter 11 case
fr. 1/20/21, 2/10/21, 2/24/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must 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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11:30 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

- #9.00** Pretrial technical 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. 11/17/20, 1/12/21, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 4/21/21. The parties should be prepared to discuss scheduling of the trial which will be conducted remotely and how long cross-examination of the witnesses whose trial declarations are now filed. Otherwise, no tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/1/21. The court has reviewed the joint pretrial stipulation of the parties. The parties should be prepared to discuss scheduling, including when the trial should begin, and when they can file the trial declarations of their witnesses constituting their direct testimony. Otherwise, no tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/17/20. The court has reviewed the unilateral pretrial stipulation and declaration filed by counsel for plaintiff. Regarding the statement of issues of law, the court is of the view that plaintiffs need to set out the specific legal issues for each claim that they are asserting. The court would prefer that the parties set out the elements of each claim or defense

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Chapter 7

that they are asserting, and the court is considering requiring the parties to file trial briefs that set this out because the unilateral pretrial stipulation filed by plaintiff just sets out generic conclusory statements of the legal issues. The court is unclear the legal authority for plaintiffs' claims of attorneys' fees and interest since none are alleged in the complaint or the unilateral pretrial stipulation. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 8/14/20. No tentative ruling on the merits. Since the status conference was continued due to the failure of one counsel to appear and the court decided not to sanction the attorney for his nonappearance, the court expects that counsel has met and confer regarding rescheduling further proceedings in this matter to be discussed at the status conference on 8/18/20. Appearances are required on 8/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/1/20. No tentative ruling on the merits. Appearances are required on 5/5/20 to discuss the status of the adversary proceeding, including the status of mediation and settlement negotiations and if not settled, when a pretrial conference should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) declared a public health emergency in the State of California and the United States of America and the current national and local public health guidance to mitigate the spread of the disease through social distancing, on March 19, 2020, the United States District Court for the Central District of California issued General Order 20-042, which among other things closes all courthouses of the Central District of California to the public, including the Roybal Federal Building, through May 1, 2020, and accordingly, the court on its own motion continues the status conference in this adversary proceeding scheduled for March 31, 2020 at 1:30 p.m. to May 5, 2020 at 1:30 p.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on March 31, 2020 at 1:30 p.m. as the

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Chapter 7

status conference is continued to May 5, 2020 at 1:30 p.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Counsel for plaintiff is ordered to give notice to the other parties.

Prior 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.

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.

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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.

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

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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.

#10.00 Cont'd hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Christmas
fr. 4/7/21

Docket 937

Tentative Ruling:

Revised and updated tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400 South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is

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being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

ACE MUSEUM, a California

Represented By
Alan W Forsley

Jennifer Kellen

Represented By
J. Bennett Friedman

Michael D. Smith

Represented By
Brian L Davidoff
Keith Patrick Banner

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CONT... Art and Architecture Books of the 21st Century Chapter 11

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

Jennifer Kellen

Represented By
Michael D Sobkowiak

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

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

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Steven Thomas

Stephen Sorensen

Chapter 11

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

Wednesday, April 28, 2021

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.

#11.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian
fr. 3/17/21, 4/7/21

Docket 898

Tentative Ruling:

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the recent supplemental filings by the parties. Preliminarily, the court is considering whether or not to adopt the same tentative ruling as to the other motions in limine, particularly since the purpose of the Saadian expert testimony was to rebut the expert testimony of defendants' expert, which is somewhat more open-ended than defendants describe in their motion. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. The motion in limine to exclude the testimony of the designated expert witness is moot in light of the untimely death of the expert witness and the granting of the plan agent's motion to designate a replacement witness by 4/1/21. While movant filed a statement of nonopposition to its motion, the court notes that in light of its order granting the plan agent's motion to designate a replacement witness, the motion may be superseded by the designation of a replacement witness as permitted by the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 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
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
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
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Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Wednesday, April 28, 2021

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.

#12.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith fr. 3/17/21, 4/7/21

Docket 899

Tentative Ruling:

Revised and updated tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the Plan Agent that the court does not have to exclude the expert testimony evidence before trial since this is a bench trial, and the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the particular expert is needed to rebut the other party's expert testimony. See Plan Agent's Opposition to Motion in Limine at 4-5; see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 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
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
Jonathan Seligmann Shenson

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
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Ronald Rus
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Keith Patrick Banner

Jennifer Kellen

Represented By
J. Bennett Friedman

Michael D. Smith

Represented By
Brian L Davidoff
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
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Wednesday, April 28, 2021

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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.

#13.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea fr. 3/17/21

Docket 900

Tentative Ruling:

Revised and updated tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); *Pacific Fuel Co., LLC v. Shell Oil Co.*, Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, *Kona Technology Corp. v. Southern Pacific Transportation Co.*, 225 F.3d 595, 611 (5th Cir. 2000) ("[A] trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'"). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike.

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, April 28, 2021

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2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

Jennifer Kellen

Represented By
J. Bennett Friedman

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Michael D. Smith	Represented By Brian L Davidoff Keith Patrick Banner
Kamran Gharibian	Represented By Brian L Davidoff Keith Patrick Banner
Daryoush Dayan	Represented By Brian L Davidoff Keith Patrick Banner
Cathay Bank, a California	Represented By Ekwan E Rhow Elliot C Harvey Schatmeier
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 Steven Thomas Stephen Sorensen

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

Wednesday, April 28, 2021

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.

#14.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 1/13/21, 3/17/21, 4/7/21

Docket 713

Tentative Ruling:

Revised and updated tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the pretrial conference on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of Stern v. Marshall, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core

**United States Bankruptcy Court
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Los Angeles
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2:00 PM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

ACE MUSEUM, a California

Represented By
Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

Jennifer Kellen

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J. Bennett Friedman

Michael D. Smith

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Kamran Gharibian

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Daryoush Dayan

Represented By
Brian L Davidoff

Cathay Bank, a California

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Ekwan E Rhow
Elliot C Harvey Schatmeier

Jennifer Kellen

Represented By
Michael D Sobkowiak

Plaintiff(s):

THE OFFICIAL COMMITTEE OF

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David J Richardson
Asa S Hami
Jessica Vogel

Official Committee Of Unsecured

Represented By
David J Richardson
Victor A Sahn

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By

Victor A Sahn

Carolyn A Dye

David J Richardson

Jason Balitzer

Steven Thomas

Stephen Sorensen

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

Wednesday, April 28, 2021

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.

#15.00 Cont'd hearing re: Plaintiff's motion for summary judgment on conversion and breach of fiduciary duty against defendant Douglas Christmas fr. 3/30/21

Docket 870

Tentative Ruling:

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the volume of the moving and opposing papers. Preliminarily, the court needs to consider whether it needs to submit a report and recommendation on the motion to the district court for review since the subject claims are noncore state law claims within the purview of *Stern v. Marshall*, 564 U.S. 462 (2011) if it determines that the motion should be granted, when the court should refer any such report and recommendation to the district court, and how such referral will affect the resolution of the subject claims unresolved as to other parties. While the court tentatively determines that the motion should be granted for the reasons stated in the moving papers and that the oppositions lack merit, the court determines that the proposed statement of uncontroverted facts is too abbreviated and generalized to be useful to a reviewing court (i.e., whether this court, the district court or an appellate court). The proposed statement of uncontroverted facts and conclusions of law is not just a procedural requirement that can be submitted in a perfunctory manner under LBR 7056-1, but it is intended to serve as the court's reasoning in granting a summary judgment motion by specifically identifying each of the specific material facts in support of the motion and citing portions of pleadings, affidavits, depositions, interrogatory answers, admissions or other documents in evidence. The cursory citations to the court's Rule 2004 decision and the declarations are inadequate to perform this function. The court's Rule 2004 decision is not evidence as its findings are not law of the case or *res judicata* as to the subject claims as such claims were not before the court on the Rule 2004 motion. Cursory citations to the Ziegler, Leslie and

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

Kincaid declarations in the proposed statement of uncontroverted facts and conclusions of law are inadequate because the references are to their statements of opinion, which are not evidence, as opposed to the underlying evidence of specific facts that support findings of the elements of the subject claims of conversion and breach of fiduciary duty, that is, there needs to be specific references to the underlying factual evidence. Also, if movant is requesting the court to draw adverse inferences to defendant Christmas, this is not accounted for in the proposed statement of uncontroverted facts and conclusions of law with specific references to his invocation of the Fifth Amendment privilege as to questions relating to specific elements of the subject claims. No appearances are required on 4/28/21.

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
Jonathan Seligmann Shenson

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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
Ronald Rus
Fahim Farivar
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Cathay Bank, a California
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Ekwan E Rhow
Elliot C Harvey Schatmeier

Jennifer Kellen
Represented By
Michael D Sobkowiak

Plaintiff(s):

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Represented By
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Daniel A Lev
David J Richardson

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

Wednesday, April 28, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

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

Steven Thomas

Stephen Sorensen

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

Monday, May 3, 2021

Hearing Room 1675

2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613520184>

ZoomGov meeting number: 161 352 0184

Password: 417760

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Monday, May 3, 2021

Hearing Room 1675

2:00 PM

CONT...

Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Monday, May 3, 2021

Hearing Room 1675

2:00 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#1.00 TRIAL BY ZOOM 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. 1/19/21, 1/26/21, 4/19/21

Docket 118

***** VACATED *** REASON: Cont'd from 5/3/21 to 5/17/21 at 1:15 p.m.
per order entered on 4/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 4/27/21. Off calendar. Continued by stipulation and order to 5/17/21 at 1:15 p.m. No appearances are required on 5/3/21.

Prior tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the final hearing on the motion to 5/3/21 at 2:00 p.m. because having considered the voluminous papers and authorities relating to the motion, the court has prepared a written tentative ruling on the motion to be issued shortly by docketed order which raises concerns and authorities not raised by the parties in the papers, and the court believes that the parties should have a prior opportunity to consider and address the tentative ruling at the final hearing. A formal order continuing the hearing to 5/3/21 at 2:00 p.m. is being entered. No appearances are required on 4/19/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/25/21. The court has approved the stipulation of the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial

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

Monday, May 3, 2021

Hearing Room 1675

2:00 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial

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

Monday, May 3, 2021

Hearing Room 1675

2:00 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd. Chapter 7

conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic.
Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

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, May 4, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1612915069>

ZoomGov meeting number: 161 291 5069

Password: 367097

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, May 4, 2021

Hearing Room 1675

10:30 AM

2:20-21155 Sina Asghari Rad and Mona Montazer

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(California Capital Insurance Company VS Debtors)

Docket 12

Tentative Ruling:

Service of the motion is deficient under LBR 4001-(c)(1) and 9013-1(d)(1) in that debtors have not been served as indicated on the proof of service of the notice of motion, although the court acknowledges that their bankruptcy attorney was served through NEF and debtors' discharge was entered on 4/5/21 and they now lack standing to object to stay relief as the stay is terminated as to them pursuant to 11 U.S.C. 362(c)(2)(C). Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Sina Asghari Rad

Represented By
Navid Kohan

Joint Debtor(s):

Mona Montazer

Represented By
Navid Kohan

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 4, 2021

Hearing Room 1675

11:00 AM

2:14-29611 Nikolay Machevsky

Chapter 7

#2.00 Cont'd status conference re: Motion to allow supplemental administrative expense claim of Data Leverage, LLC
fr. 12/8/20, 1/15/21, 3/9/21

Docket 121

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 12/28/20. The Court hereby provides notice to the parties to this contested matter that the Court will hold the evidentiary hearing on claimant's motion for allowance of administrative expense claim on **January 15, 2021 at 12:00 p.m. (noon)**, which will be conducted via Zoom for Government. Participants will be connected to the courtroom using Zoom for Government but will not be physically present in the courtroom. Participants must connect to the Zoom for Government courtroom no later than 11:50 a.m. and check in with the law clerk/DECRO. If a trial participant is having problems connecting to the trial, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Video. Utilize the following link: <https://cacb.zoomgov.com/j/1617360264>

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

b. Audio only. Audio-only participants must call into Zoom for Government by calling:

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11:00 AM

CONT... Nikolay Machevsky

Chapter 7

+1 669 254 5252, or +1 646 828 7666;

and insert **Meeting ID**: 161 736 0264 and **Password**: 128488

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes" and "including" are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant

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CONT... Nikolay Machevsky

Chapter 7

alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e., \$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

Trustee(s):

Wesley H Avery (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
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Tuesday, May 4, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#3.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 11/17/20, 1/19/21, 3/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will be amending the motion for default judgment in several weeks and requested a further continuance of the status conference to allow him to do this. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. for this purpose. No appearances are required on 5/4/21.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. Plaintiff must report on the status of his efforts to file a motion for default judgment as he has been intending to file such motion for about a year. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/13/20. No tentative ruling on the merits. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Prior tentative ruling as of 10/22/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment by 11/10/20. Based on this representation, the court on its own motion continues the status conference to 11/17/20 at 1:30 p.m. to allow additional time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 10/27/20.

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CONT...

Dean Henrik Okland

Chapter 7

Prior tentative ruling as of 7/31/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment, but the gathering of documents in support thereof is taking longer than anticipated in light of the current situation, though he is hopeful that the motion can be filed within 60 days. Based on these representations, the court on its own motion continues the status conference to 10/27/20 at 1:30 p.m. to allow time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 8/4/20.

Prior tentative ruling as of 5/22/20. Appearances are required on 5/26/20 to discuss the status of plaintiff's motion for default judgment and when other further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. The court has reviewed plaintiff's unilateral status report filed on 3/16/20, stating that he will be filing a motion for default judgment shortly. The court on its own motion continues the status conference for about 60 days to 5/26/20 at 1:30 p.m. to allow time for plaintiff to prepare and file his motion for default judgment. No appearances are required on 3/31/20.

Prior 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.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Pro Se

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CONT... Dean Henrik Okland

Chapter 7

Plaintiff(s):

Chuck Dorfman

Represented By
David S Hagen

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

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Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#4.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 1/21/21, 2/2/21, 3/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

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CONT... MINSEOK LEE

Chapter 7

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling. The court will inquire whether the parties have fully complied with the meet and confer requirement of LBR 7026-1. Set a discovery cutoff date of 12/31/20 and a post-discovery status conference on 1/12/21 at 1:30 p.m. The court does not set the matter for a pretrial conference at this time in light of the current uncertainty from the COVID-19 pandemic and its effect on when the court will be conducting in person trials. At the postdiscovery status conference, the court will discuss with counsel the

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CONT... MINSEOK LEE

Chapter 7

possibility of conducting the trial remotely by videoconference technology. The court will also discuss the possibility of referral to the court's voluntary mediation program. Appearances are required on 6/30/20, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, this court is only conducting hearings with telephonic appearances for this matter and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

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
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2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#5.00 Cont'd hearing re: Motion to compel discovery and court-ordered mediation and for sanctions
fr.1/19/21, 2/16/21

Docket 16

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of defendant's compliance with plaintiff's discovery requests. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
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1:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#6.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 1/12/21, 1/19/21, 2/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of discovery and scheduling of further proceedings, such as setting the matter for a pretrial conference. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

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CONT...

Richard Ochoa Telles

Chapter 7

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
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1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#7.00 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 3/20/21, 4/6/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

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CONT... Wanderluxxe, LLC

Chapter 7

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#8.00 Hearing re: Motion to exclude witnesses at trial

Docket 50

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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
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Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#9.00 Cont'd pretrial 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. 2/16/21, 3/16/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial

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Philip Joseph Jaurigui

Chapter 7

declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the

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CONT... Philip Joseph Jaurigui Chapter 7

parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#10.00 Hearing re: Motion to exclude witnesses at trial

Docket 50

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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
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Tuesday, May 4, 2021

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#11.00 Cont'd pretrial 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. 2/16/21, 3/16/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and

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CONT...

Philip Joseph Jaurigui

Chapter 7

any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors

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CONT... **Philip Joseph Jaurigui**

Chapter 7

in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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
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2:30 PM

2:19-10326 Javier Garcia and Deanna Garcia

Chapter 7

#12.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[David M. Goodrich, Chapter 7 Trustee]

Docket 65

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 5/4/21. Trustee to lodge a proposed order within 7 days of hearing.

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

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2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#13.00 Cont'd order to show cause why Eui Joon Park should not be held in contempt for failing to produce documents fr. 1/19/21, 3/16/21

Docket 36

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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2:20-11519 Ki Hyong Kim

Chapter 7

#14.00 Cont'd hearing re: Application by chapter 7 trustee to employ Keller Williams as real estate broker
fr. 1/12/21, 2/2/21, 3/9/21

Docket 33

***** VACATED *** REASON: Off calendar per order entered on 5/4/21-
mb.**

Tentative Ruling:

Updated tentative ruling as of 5/4/21. Off calendar. Hearing taken off calendar by order entered on 5/4/21. No appearances are required on 5/4/21.

Corrected tentative ruling as of 5/3/21. Off calendar. The court has reviewed the joint status report in the related adversary proceeding stating that the dispute between the estate and the debtor, the objecting party, is being settled and that the court has granted a motion to approve the settlement under FRBP 9019 by order entered on 5/3/21. Granting the motion to approve the settlement would obviate the need for employment of a real estate broker as the subject property would not be sold, and would apparently render the application unnecessary, and the trustee has lodged a proposed order taking the application off calendar, which is pending. The court on its own motion continues the hearing on the application to 7/6/21 at 1:30 p.m. in light of the settlement between the estate and the debtor. No appearances are required on 5/4/21.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee

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Hearing Room 1675

2:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#15.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 1/12/21, 2/2/21, 3/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/4/21. Off calendar. Status conference continued to 7/6/21 at 1:30 p.m. by order entered on 5/4/21. No appearances are required on 5/4/21.

Prior tentative ruling as of 5/3/21. Off calendar. The court has reviewed the joint status report stating that the matter is being settled and that a motion to approve the settlement under FRBP 9019 is pending, awaiting a ruling after the time period to file objection and request a hearing pursuant to LBR 9013-1(o) expires. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. in light of the pending settlement proceedings. No appearances are required on 5/4/21.

Party Information

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2:30 PM

CONT... Ki Hyong Kim

Chapter 7

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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2:30 PM

2:20-17954 V.P. Manufacturing, Inc.

Chapter 7

#16.00 Cont'd hearing re: Motion to allow administrative expense
fr. 3/9/21, 4/6/21

Docket 46

Tentative Ruling:

Updated tentative ruling as of 5/3/21. The motion appears to be moot based on the stipulation regarding reductions of secured and administrative claims and order thereon which acknowledges the allowance of movant's administrative expense claim in a reduced amount. Appearances are optional on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions. If no appearances are made, the court will assume that the motion is resolved by the stipulation and order reducing and allowing reduced secured and administrative claims and the hearing is moot.

Party Information

Debtor(s):

V.P. Manufacturing, Inc.

Represented By
Mark T Young
David M Goodrich

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
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Wednesday, May 5, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614368452>

ZoomGov meeting number: 161 436 8452

Password: 112851

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#1.00 Cont'd hearing re: Motion to dismiss bankruptcy case
fr. 4/28/21

Docket 284

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits.
Appearances are required on 5/5/21, but counsel and self-represented parties
must appear through Zoom for Government in accordance with the court's
remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

Movant(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver
Raymond H. Aver

Shabnam Mesachi

Represented By
Raymond H. Aver

**United States Bankruptcy Court
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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#2.00 Cont'd status conference re: Motion for contempt
fr. 2/3/21, 2/17/21, 3/31/21

Docket 205

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits.
Appearances are required on 5/5/21, but counsel and self-represented parties
must appear through Zoom for Government in accordance with the court's
remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Ashley M McDow

Joint Debtor(s):

Shabnam Mesachi

Represented By
Ashley M McDow

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Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#3.00 Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution
fr. 2/3/21, 2/17/21, 3/31/21

Docket 103

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/5/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Ashley M McDow

Joint Debtor(s):

Shabnam Mesachi

Represented By
Ashley M McDow

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11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#4.00 Cont'd status conference re: Management of chapter 11 case
fr. 2/3/21, 2/17/21, 3/31/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits.
Appearances are required on 5/5/21, but counsel and self-represented parties
must appear through Zoom for Government in accordance with the court's
remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Ashley M McDow

Joint Debtor(s):

Shabnam Mesachi

Represented By
Ashley M McDow

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Wednesday, May 5, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar

Chapter 11

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

#5.00 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. 2/3/21, 2/17/21, 3/31/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/5/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, May 5, 2021

Hearing Room 1675

11:00 AM

2:19-10119 David Lee

Chapter 11

#6.00 Status conference re: Post confirmation of plan
fr. 9/23/20, 10/28/20, 1/6/21

Docket 318

Tentative Ruling:

Updated tentative ruling as of 5/3/21. The court has reviewed debtor's postconfirmation status report, stating that he anticipates filing a motion regarding substantial consummation and to close the case within 30 days. After hearing from the parties, the court expects to set a further status conference in about six months. Appearances are required on 5/5/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

David Lee

Represented By
David A Tilem

**United States Bankruptcy Court
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2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 1/5/21, 4/6/21, 4/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/5/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Does 1 Through 100 Inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, May 5, 2021

Hearing Room 1675

2:00 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**

Wednesday, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 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. 1/5/21, 4/6/21, 4/21/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 1/5/21, 4/6/21, 4/21/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 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. 1/5/21, 4/6/21, 4/21/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#11.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 1/5/21, 4/6/21, 4/21/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#12.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 1/5/21, 4/6/21, 4/21/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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, May 5, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#13.00 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. 1/5/21, 4/6/21, 4/21/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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
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Wednesday, May 5, 2021

Hearing Room 1675

2:00 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: 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 fr. 1/5/21, 4/6/21, 4/21/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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
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2:00 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 to abstain
fr. 1/5/21, 4/6/21, 4/21/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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
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Wednesday, May 5, 2021

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2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#16.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 1/5/21, 4/6/21, 4/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. See tentative ruling for item number 7.

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
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Los Angeles
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Wednesday, May 5, 2021

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2:00 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#17.00 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 3/20/21, 4/6/21, 5/4/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
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Wednesday, May 5, 2021

Hearing Room 1675

2:00 PM

CONT... Wanderluxxe, LLC

Chapter 7

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1609641284>

ZoomGov meeting number: 160 964 1284

Password: 571783

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Los Angeles
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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Thursday, May 6, 2021

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.

#1.00 Cont'd hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Christmas
fr. 4/7/21, 4/28/21

Docket 937

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400

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2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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
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Hearing Room 1675

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By

Victor A Sahn

Carolyn A Dye

David J Richardson

Jason Balitzer

Steven Thomas

Stephen Sorensen

**United States Bankruptcy Court
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Los Angeles
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Thursday, May 6, 2021

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.

#2.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea fr. 3/17/21, 4/28/21

Docket 900

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); *Pacific Fuel Co., LLC v. Shell Oil Co.*, Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, *Kona Technology Corp. v. Southern Pacific Transportation Co.*, 225 F.3d 595, 611 (5th Cir. 2000) ("[A]

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CONT... Art and Architecture Books of the 21st Century Chapter 11

trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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
Ronald Rus
Fahim Farivar

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1675

2:00 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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
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Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

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Art and Architecture Books of the 21st Century

Chapter 11

David J Richardson

Jason Balitzer

Steven Thomas

Stephen Sorensen

**United States Bankruptcy Court
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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.

#3.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian
fr. 3/17/21, 4/7/21, 4/28/21

Docket 898

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the recent supplemental filings by the parties. Preliminarily, the court is considering whether or not to adopt the same tentative ruling as to the other motions in limine, particularly since the purpose of the Saadian expert testimony was to rebut the expert testimony of defendants' expert, which is somewhat more open-ended than defendants describe in their motion. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. The motion in limine to exclude the testimony of the designated expert witness is moot in light of the untimely death of the expert witness and the granting of the plan agent's motion to designate a replacement witness by 4/1/21. While movant filed a statement of nonopposition to its motion, the court notes that in light of its order granting the plan agent's motion to designate a replacement witness, the motion may be superseded by the designation of a replacement witness as permitted by the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in

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CONT... **Art and Architecture Books of the 21st Century**
accordance with the court's remote appearance instructions.

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
Alan I Nahmias

Defendant(s):

Ace Gallery New York Corporation,

Represented By
Alan W Forsley

Douglas Christmas

Represented By
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

**United States Bankruptcy Court
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Los Angeles
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Courtroom 1675 Calendar**

Thursday, May 6, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Thursday, May 6, 2021

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.

#4.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith fr. 3/17/21, 4/7/21, 4/28/21

Docket 899

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the Plan Agent that the court does not have to exclude the expert testimony evidence before trial since this is a bench trial, and the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the particular expert is needed to rebut the other party's expert testimony. See Plan Agent's Opposition to Motion in Limine at 4-5; see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful

**United States Bankruptcy Court
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Los Angeles
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CONT... Art and Architecture Books of the 21st Century Chapter 11

and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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
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

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

Thursday, May 6, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Thursday, May 6, 2021

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.

#5.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 3/17/21, 4/7/21, 4/28/21

Docket 713

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the pretrial conference on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of *Stern v. Marshall*, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized

**United States Bankruptcy Court
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Thursday, May 6, 2021

Hearing Room 1675

2:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, May 6, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

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 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 Ekwan E Rhow Elliot C Harvey Schatmeier
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
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, May 6, 2021

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

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
Steven Thomas
Stephen Sorensen

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

Thursday, May 6, 2021

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.

#6.00 Cont'd hearing re: Plaintiff's motion for summary judgment on conversion and breach of fiduciary duty against defendant Douglas Christmas fr. 3/30/21, 4/28/21

Docket 870

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the volume of the moving and opposing papers. Preliminarily, the court needs to consider whether it needs to submit a report and recommendation on the motion to the district court for review since the subject claims are noncore state law claims within the purview of *Stern v. Marshall*, 564 U.S. 462 (2011) if it determines that the motion should be granted, when the court should refer any such report and recommendation to the district court, and how such referral will affect the resolution of the subject claims unresolved as to other parties. While the court tentatively determines that the motion should be granted for the reasons stated in the moving papers and that the oppositions lack merit, the court determines that the proposed statement of uncontroverted facts is too abbreviated and generalized to be useful to a reviewing court (i.e., whether this court, the district court or an appellate court). The proposed statement of uncontroverted facts and conclusions of law is not just a procedural requirement that can be submitted in a perfunctory manner under LBR 7056-1, but it is intended to serve as the court's reasoning in granting a summary judgment motion by specifically identifying each of the specific material facts in support of the motion and citing portions of pleadings, affidavits, depositions, interrogatory answers, admissions or other

**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, May 6, 2021

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2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

documents in evidence. The cursory citations to the court's Rule 2004 decision and the declarations are inadequate to perform this function. The court's Rule 2004 decision is not evidence as its findings are not law of the case or res judicata as to the subject claims as such claims were not before the court on the Rule 2004 motion. Cursory citations to the Ziegler, Leslie and Kincaid declarations in the proposed statement of uncontroverted facts and conclusions of law are inadequate because the references are to their statements of opinion, which are not evidence, as opposed to the underlying evidence of specific facts that support findings of the elements of the subject claims of conversion and breach of fiduciary duty, that is, there needs to be specific references to the underlying factual evidence. Also, if movant is requesting the court to draw adverse inferences to defendant Christmas, this is not accounted for in the proposed statement of uncontroverted facts and conclusions of law with specific references to his invocation of the Fifth Amendment privilege as to questions relating to specific elements of the subject claims. No appearances are required on 4/28/21.

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**

Thursday, May 6, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Defendant(s):

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 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 Keith Patrick Banner
Kamran Gharibian	Represented By Brian L Davidoff Keith Patrick Banner
Daryoush Dayan	Represented By Brian L Davidoff Keith Patrick Banner
Cathay Bank, a California	Represented By Ekwan E Rhow Elliot C Harvey Schatmeier
Jennifer Kellen	Represented By Michael D Sobkowiak

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, May 6, 2021

Hearing Room 1675

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
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
Steven Thomas
Stephen Sorensen

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

Tuesday, May 11, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610107292>

ZoomGov meeting number: 161 010 7292

Password: 011204

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, May 11, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 11, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01367 Bandy et al v. Okland

#1.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 10/20/20, 1/12/21, 3/16/21

Docket 1

***** VACATED *** REASON: Cont'd from 5/11/21 to 5/18/21 at 1:30 p.m. per order entered on 5/7/21-pp.**

Tentative Ruling:

Updated tentative ruling as of 5/10/21. Off calendar. At plaintiffs' request, the court has issued a new summons to serve on defendant which reset the status conference to 7/27/21 at 1:30 p.m. The request for a new summons is apparently in accordance with the court's written tentative ruling on the pending motion for default judgment, and it appears that plaintiffs will be reserving the first amended complaint with a new summons on defendant. Because the status conference is reset to 7/27/21 at 1:30 p.m., no appearances are required on 5/11/21 or 5/18/21.

Prior tentative ruling as of 5/7/21. Off calendar. The court is issuing a written order continuing the status conference on its own motion to 5/18/21 at 1:30 p.m., which also sets forth a tentative ruling on the pending motion of plaintiffs for default judgment. No appearances are required on 5/11/21.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Garrett Bandy	Represented By David S Hagen
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Heather Foster	Represented By
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, May 11, 2021

Hearing Room 1675

1:30 PM

CONT... Dean Henrik Okland

Chapter 7

David S Hagen

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, May 11, 2021

Hearing Room 1675

1:30 PM

2:20-19257 Chien Ping Luu

Chapter 7

Adv#: 2:21-01005 Langer's Delicatessen, Inc. v. ZHAO et al

#2.00 Cont'd status conference re: Complaint objecting to discharge of debt
[11 U.S.C. §§ 523 (a)(2)(A) and 523 (a)(6)]
fr. 3/16/21

Docket 1

Tentative Ruling:

Off calendar. The status conference is moot since judgment has been entered in this adversary proceeding. No appearances are necessary.

Party Information

Debtor(s):

Chien Ping Luu

Represented By
Elizabeth Lou

Defendant(s):

LIXIA ZHAO

Pro Se

CHIEN PING LUU

Pro Se

Joint Debtor(s):

Lixia Zhao

Represented By
Elizabeth Lou

Plaintiff(s):

Langer's Delicatessen, Inc.

Represented By
Steven M Garber

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 11, 2021

Hearing Room 1675

2:30 PM

2:20-19034 Devin Jefferson

Chapter 7

#3.00 Hearing re: Motion of the United States Trustee for a second extension of deadline date for filing a complaint objecting to debtor's discharge under 11 U.S.C. §727

Docket 30

***** VACATED *** REASON: Voluntary dismissal filed on 5/5/21-mb.**

Tentative Ruling:

Off calendar. Motion voluntarily dismissed by notice filed on 5/5/21. No appearances are necessary.

Party Information

Debtor(s):

Devin Jefferson

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, May 12, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1615815937>

ZoomGov meeting number: 161 581 5937

Password: 433963

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, May 12, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Monday, May 17, 2021

Hearing Room 1675

1:00 PM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613520184>

ZoomGov meeting number: 161 352 0184

Password: 417760

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Monday, May 17, 2021

Hearing Room 1675

1:00 PM
CONT...

Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

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- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Monday, May 17, 2021

Hearing Room 1675

1:15 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#1.00 TRIAL BY ZOOM 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. 1/26/21, 4/19/21, 5/3/21

Docket 118

Tentative Ruling:

Revised and updated tentative ruling as of 5/10/21. Off calendar. Continued by stipulation and order to 6/7/21 at 1:15 p.m. The stipulated order further provides that the court on its own motion also extends the deadline to file and serve supplemental briefing from on the court's written tentative ruling of 4/19/21 from 5/10/21 to 5/24/21. No appearances are required on 5/17/21.

Prior tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the final hearing on the motion to 5/3/21 at 2:00 p.m. because having considered the voluminous papers and authorities relating to the motion, the court has prepared a written tentative ruling on the motion to be issued shortly by docketed order which raises concerns and authorities not raised by the parties in the papers, and the court believes that the parties should have a prior opportunity to consider and address the tentative ruling at the final hearing. A formal order continuing the hearing to 5/3/21 at 2:00 p.m. is being entered. No appearances are required on 4/19/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/25/21. The court has approved the stipulation of the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

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

Monday, May 17, 2021

Hearing Room 1675

1:15 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy

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

Monday, May 17, 2021

Hearing Room 1675

1:15 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

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, May 18, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1603153665>

ZoomGov meeting number: 160 315 3665

Password: 311762

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, May 18, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 18, 2021

Hearing Room 1675

11:00 AM

2:20-21080 Orchid Child Productions, LLC

Chapter 7

#1.01 Hearing re: Ex parte motion to amend order entered on May 6, 2021, as docket #15

Docket 17

Tentative Ruling:

No tentative ruling as of 5/14/21. Appearances are required on 5/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Orchid Child Productions, LLC

Represented By
Sanaz Sarah Bereliani
David Brian Lally

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 18, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01367 Bandy et al v. Okland

#1.10 Cont'd status conference re: Complaint to determine dischargeability of debt
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4)
fr. 1/12/21, 3/16/21, 5/11/21

Docket 1

***** VACATED *** REASON: Another summons issued, s/c reset to 7/27/21
at 1:30 p.m.-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/10/21. Off calendar. At plaintiffs' request, the court has issued a new summons to serve on defendant which reset the status conference to 7/27/21 at 1:30 p.m. The request for a new summons is apparently in accordance with the court's written tentative ruling on the pending motion for default judgment, and it appears that plaintiffs will be reserving the first amended complaint with a new summons on defendant. Because the status conference is reset to 7/27/21 at 1:30 p.m., no appearances are required on 5/18/21.

Prior tentative ruling as of 5/7/21. Off calendar. The court is issuing a written order continuing the status conference on its own motion to 5/18/21 at 1:30 p.m., which also sets forth a tentative ruling on the pending motion of plaintiffs for default judgment. No appearances are required on 5/11/21.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Garrett Bandy	Represented By David S Hagen
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Heather Foster	Represented By
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 18, 2021

Hearing Room 1675

1:30 PM

CONT... Dean Henrik Okland

Chapter 7

David S Hagen

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, May 18, 2021

Hearing Room 1675

2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, May 18, 2021

Hearing Room 1675

2:00 PM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#1.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 4/6/21, 4/21/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/10/21. No tentative ruling on the merits. Appearances are required on 5/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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, May 18, 2021

Hearing Room 1675

2:00 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, May 18, 2021

Hearing Room 1675

2:00 PM

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 to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 4/6/21, 4/21/21, 5/5/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 4/6/21, 4/21/21, 5/5/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 Cont'd 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 fr. 4/6/21, 4/21/21, 5/5/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Motion to abstain
fr. 4/6/21, 4/21/21, 5/5/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 4/6/21, 4/21/21, 5/5/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 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. 4/6/21, 4/21/21, 5/5/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 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. 4/6/21, 4/21/21, 5/5/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 4/6/21, 4/21/21, 5/5/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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, May 18, 2021

Hearing Room 1675

2:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#10.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 4/6/21, 4/21/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/10/21. See tentative ruling for item number 1.

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**

Wednesday, May 19, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1617986071>

ZoomGov meeting number: 161 798 6071

Password: 728895

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, May 19, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

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- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, May 19, 2021

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, 10/14/20, 1/13/21, 3/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/12/21. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#2.00 Hearing re: Motion to disallow claims of American Express
(claim numbers 4 and 5) [group 1]

Docket 849

***** VACATED *** REASON: Resolved by stip & order entered on
5/6/2021-mb.**

Tentative Ruling:

Off calendar. Motion resolved by stipulation and order. No appearances are necessary.

Party Information

Debtor(s):

Curtis C. Magleby

Represented By
Illyssa I Fogel

Movant(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, May 19, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#3.00 Hearing re: Debtor's motion to disallow newly scheduled but unasserted claims of Citibank, Bank of America, and Capital One (claims of creditors of Cindy S. Magleby) [group 2]

Docket 854

***** VACATED *** REASON: Denied per order entered on 5/12/2021-mb.**

Tentative Ruling:

Off calendar. The court has ruled on the motion on the papers and is issuing an order to be entered shortly. No appearances are required on 5/19/21.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:16-15322 Curtis C. Magleby

Chapter 11

#4.00 Cont'd hearing re: Disclosure statement
fr. 12/2/20, 2/17/21, 3/31/21

Docket 174

Tentative Ruling:

Updated tentative ruling as of 5/12/21. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:17-24737 Advance Specialty Care, LLC

Chapter 11

#5.00 Cont'd status conference re: Post confirmation of plan
fr. 8/19/20, 1/13/21, 3/17/21

Docket 255

Tentative Ruling:

Updated tentative ruling as of 5/12/21. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 19, 2021

Hearing Room 1675

11:00 AM

2:18-10524 Fox Property Holdings, LLC

Chapter 11

#6.00 Cont'd status conference re: Management of chapter 11 case
fr. 7/1/20, 9/16/20, 3/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/17/21. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#7.00 Status conference re: Post confirmation of plan
fr. 10/14/20, 11/18/20, 1/20/21

Docket 478

Tentative Ruling:

Updated tentative ruling as of 5/17/21. Off calendar. The court has reviewed the status report filed by the plan trustee, but the court on its own motion continues the status conference to 5/26/21 at 11:00 a.m. to be conducted with other matters in the case. No appearances are required on 5/19/21.

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 19, 2021

Hearing Room 1675

11:00 AM

2:18-12224 Raesi Group, Inc

Chapter 11

#8.00 Cont'd status conference re: Post confirmation of chapter 11 plan
fr. 9/30/20, 1/20/21, 3/17/21

Docket 82

***** VACATED *** REASON: Final decree closig the case entered on
5/11/2021-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/12/21. Off calendar. Final decree has been entered in this case, and the status conference is moot. No appearances are required on 5/19/21.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:18-13759 Charles Peters

Chapter 11

#9.00 Order to show cause why this bankruptcy case should not be dismissed, covered or a trustee appointed based on the failures of debtor Charles Peters to file post-confirmation status report and to appear at the March 17, 2021 post-confirmation status conference as previously ordered

Docket 472

Tentative Ruling:

Updated tentative ruling as of 5/17/21. The court has reviewed debtor's status report and is inclined to discharge the order to show cause for excusable neglect of debtor who failed to attend the last status conference. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 19, 2021

Hearing Room 1675

11:00 AM

2:18-13759 Charles Peters

Chapter 11

#10.00 Cont'd status conference re: Post confirmation of plan
fr. 12/9/20, 12/16/20, 3/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/17/21. The court has reviewed debtor's status report. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Charles Peters

Represented By
Frank Edel Blanco
Giovanni Orantes
Luis A Solorzano

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

Wednesday, May 19, 2021

Hearing Room 1675

11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#11.00 Hearing re: Debtor in possession's motion for order continuing hearing re confirmation of debtor and debtor in possession's plan of reorganization and related voting and confirmation procedures

Docket 41

Tentative Ruling:

Updated tentative ruling as of 5/17/21. The court is inclined to grant thye motio for continuance for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New

Represented By
Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)

Pro Se

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

Wednesday, May 19, 2021

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.

#12.00 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. 2/17/21, 3/30/21, 4/7/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/12/21. No tentative ruling on the merits. Appearances are required on 5/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Wednesday, May 19, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

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, May 25, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1617367434>

ZoomGov meeting number: 161 736 7434

Password: 639425

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, May 25, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, May 25, 2021

Hearing Room 1675

1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#1.10 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 4/6/21, 5/4/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/21/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/25/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Tuesday, May 25, 2021

Hearing Room 1675

1:30 PM

CONT... Wanderluxxe, LLC

Chapter 7

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

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 25, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

#1.00 Hearing re: Motion for terminating sanctions

Docket 99

Tentative Ruling:

Updated tentative ruling as of 5/21/21. Grant plaintiffs' motion for terminating sanctions for the reasons stated in the moving papers and lack of timely written opposition, and grant request to strike defendant's answer and enter his default in this adversary proceeding and request for award of attorneys' fees and costs as sanctions against defendant for his failure to comply with the court's discovery orders pursuant to FRCP 37(b)(2) and FRBP 7037 in the amount of \$1,575.00 in legal fees for preparation of the motion and \$225.00 in legal fees for appearing at the hearing representing 0.5 hour of attorney time at attorney billing rate. No fees to be allowed for preparing a reply since no opposition was filed. Appearances are required on 5/25/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Dean Henrik Okland Pro Se

Defendant(s):

Dean Henrik Okland Represented By
Gary R Wallace

Plaintiff(s):

HOWARD M EHRENBERG Represented By
Jeffrey S Shinbrot

Jennifer Sunderland Represented By
Kimberly Wright

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

Tuesday, May 25, 2021

Hearing Room 1675

2:30 PM

CONT... Dean Henrik Okland

Chapter 7

James Farrow

Represented By
Kimberly Wright

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, May 25, 2021

Hearing Room 1675

2:30 PM

2:19-15197 Anthony Robert Wafford

Chapter 7

#2.00 Hearing re: Motion to reopen bankruptcy case

Docket 27

Tentative Ruling:

Updated tentative ruling as of 5/24/21. Having considered the moving, opposing and reply papers, the court is inclined to grant the motion of creditor to reopen the bankruptcy case. 11 U.S.C. §350(b) provides that: "(b) A case may be reopened in the court in which such case was closed to administer assets, to afford relief to the debtor, or for other cause." According to the Ninth Circuit Bankruptcy Appellate Panel, "the reopening of a closed bankruptcy case is a ministerial act that functions primarily to enable the file to be managed by the clerk as an active matter and that, by itself, lacks independent legal significance and determines that nothing with respect to the merits of the case." In re Menk, 241 B.R. 896, 913 (9th Cir. BAP 1999). Cause is shown to reopen the case because creditor may have a colorable claim to prosecute a debt dischargeability action now based on due process considerations, and reopening the case is simply a ministerial act that functions primarily to enable the case file to be managed by the clerk as an active matter before the court as the Bankruptcy Appellate Panel stated in In re Menk. As the BAP further stated in Menk, reopening a case lacks independent legal significance and is not a determination of the merits of the litigant's claim. The court believes that creditor's colorable claim should be considered on the merits, which can be tested on a motion to dismiss if creditor files an adversary proceeding to determine dischargeability of debt on grounds that the action is time-barred or barred by the doctrine of laches. The papers of the parties are not particularly helpful because they do not address whether the prospective adversary proceeding would be timely or time-barred under Federal Rule of Bankruptcy Procedure 4007. Specifically, Rule 4007 provides that a complaint to determine dischargeability of debt other than one under 11 U.S.C. 523(c) may be filed at any time and a case may be reopened without payment of an additional filing fees for the purpose of filing such a complaint. The question is whether creditor's prospective adversary complaint is subject to 11 U.S.C. 523(c) or not in light of the unusual factual circumstances of this case, which is not really addressed in the papers. While

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

Tuesday, May 25, 2021

Hearing Room 1675

2:30 PM

CONT... Anthony Robert Wafford

Chapter 7

the court does not make any determination on the merits of creditor's due process argument at this time, it notes that on one hand, it appears that creditor was not served with debtor's motion to reinstate the case after dismissal (Docket No. 14, filed on September 4, 2019), but the proofs of service of the court's notices of the vacating the dismissal and of the rescheduled meeting of creditors with a new deadline for filing nondischargeability actions under 11 U.S.C. §523(a)(2), (4) or (6) (Docket Nos. 16 and 17, filed on September 12, 2019, and Docket Nos. 19 and 20, filed on September 14, 2019) indicate that creditor was served with these notices at the mailing address for him listed in the bankruptcy schedules and the creditors' mailing matrix in the case (assuming arguendo the address was correctly listed) and the action was not filed by the new deadline. The interests of justice are best served if the case was reopened so the clerk can manage the case docket in reflecting the litigation of these issues on the merits.

Appearances are required on 5/25/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Anthony Robert Wafford

Represented By

Winston Kevin McKesson

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 25, 2021

Hearing Room 1675

2:30 PM

2:19-17970 Paul John Yepez

Chapter 7

#3.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Timothy J. Yoo, Chapter 7 Trustee]

Docket 66

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 5/25/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Paul John Yepez

Represented By
Neil R Hedtke

Trustee(s):

Timothy Yoo (TR)

Represented By
Zi Chao Lin
Jeffrey L Sumpter

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

Tuesday, May 25, 2021

Hearing Room 1675

2:30 PM

2:19-17970 Paul John Yepez

Chapter 7

#4.00 Hearing re: Application for fees and expenses
[Garrett & Tully, P.C., Attorney for Chapter 7 Trustee]

Docket 61

Tentative Ruling:

Revised and updated tentative ruling as of 5/24/21. Off calendar. In light of the lack of any timely written opposition to the final fee application of attorney for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 5/25/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Paul John Yepez

Represented By
Neil R Hedtke

Trustee(s):

Timothy Yoo (TR)

Represented By
Zi Chao Lin
Jeffrey L Sumpter

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

Tuesday, May 25, 2021

Hearing Room 1675

2:30 PM

2:20-14902 Boris M. Tadjikov

Chapter 7

#5.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Brad D. Krasnoff, Chapter 7 Trustee]

Docket 38

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 5/25/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Boris M. Tadjikov

Represented By
Leslie A Cohen

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, May 26, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1618885432>

ZoomGov meeting number: 161 888 5432

Password: 194184

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#1.00 Hearing re: Motion for Entry of Order Conditionally Dismissing Bankruptcy Case

Docket 782

Tentative Ruling:

Grant motion of debtor for entry of an order conditionally dismissing the case for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 26, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#2.00 Hearing re: Motion for Entry of Order Approving Settlement with Ghazar Zehnaly

Docket 783

Tentative Ruling:

Grant motion of debtor for entry of an order approving settlement with creditor Ghazar Zehnaly for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, May 26, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#3.00 Cont'd order to show cause why this bankruptcy case should not be converted to chapter 7, dismissed or a chapter 11 trustee appointed and to stay proceedings in contested matters of debtor's objection to claim of Ghazar Zehnaly and second interim fee application of Foley & Lardner, LLP
fr. 2/10/21, 2/24/21, 4/28/21

Docket 734

Tentative Ruling:

Updated tentative ruling as of 5/24/21. No tentative ruling on the merits. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior updated tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Sarkis Investments Company, LLC

Represented By

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

Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

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, May 26, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#4.00 Cont'd discovery dispute conference re: Motion for order disallowing proof of claim no. 7-1 filed by Ghazer Zehnaly fr. 2/20/21, 2/24/21, 4/28/21

Docket 343

Tentative Ruling:

Updated tentative ruling as of 5/24/21. No tentative ruling on the merits. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 2/9/21. The court has reviewed debtor's written response to the order to show cause filed on 2/6/21 and would like to hear if Creditor Zehnaly would consider the proposed settlement approach. The court is willing to continue the hearing for a short time to allow the parties to consider and discuss the proposal.

Appearances are required on 2/10/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 12/16/20. Given the escalating costs of litigation of this bankruptcy case without a reasonable prospect of rehabilitation and the resulting diminution of the remaining assets of the estate, the court is considering staying the proceedings of this contested matter and issuing an order to show cause why this bankruptcy case should not be converted to

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

Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

CONT... Sarkis Investments Company, LLC

Chapter 11

Chapter 7 or a trustee appointed pursuant to 11 U.S.C. 1112(b)(4)(A).
Appearances are required on 12/17/20, but counsel and self-represented parties must appear by telephone.

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 26, 2021

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. 2/10/21, 2/24/21, 4/28/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/24/21. No tentative ruling on the merits. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/22/21. Appearances are required on 2/24/21, but counsel and self-represented parties must 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, May 26, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#6.00 Cont'd hearing re: Application for payment of: final fees and/or expenses (11 U.S.C. 330) for Philip Kaufler, special counsel, fee: \$12,3922.50, expenses: \$1,864.50 fr. 4/28/21

Docket 567

Tentative Ruling:

Updated tentative ruling as of 5/24/21. While applicant has corrected the service deficiency by servicing notice of the application and continued hearing on all creditors, he has failed to remedy the other deficiencies in the application as indicated in the court's prior tentative ruling as of 4/29/21, namely, he has not filed a supplemental declaration regarding his efforts to obtain the declaration of the client in support of the application or to describe his specific efforts to obtain such a declaration, and he has not yet provided a judge's copy of his 784-page reply papers in violation of LBR 5005-2(d) which impedes the court's review of the application papers.

The court will set a date for an evidentiary hearing on the application in light of the opposition to the application, which date will be set after a reasonable time for the court to review the papers once it receives the judge's copy of the reply papers. Because the fees claimed by this applicant overlaps with other applicants, namely, general bankruptcy counsel for debtor in possession, the court will also continue the further hearing on the final fee applications of the other professionals to 6/9/21 so that the court can consider the work of all these professionals due to their interrelationship to determine the reasonableness of all the claimed professional fees.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. Service of the application is deficient because the proof of service does not show that all creditors have been served with 21 days notice of the application as required by FRBP 2002(a)(6) and 9013. The hearing will have to be continued because applicant will have

**United States Bankruptcy Court
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Los Angeles
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11:00 AM

CONT... Catherine Trinh

Chapter 11

to serve all creditors with notice of the application.

The application is deficient because there is no separately filed declaration from the client indicating that she has reviewed the application and has no objection to it, and applicant's declaration describing the steps that were taken to obtain the client's declaration and response thereto as required by LBR 2016-1(a)(1)(J) and (c)(2) is deficient because it is vague and conclusory as to the details of such steps to contact the client and obtain her declaration.

The hearing will also have to be continued because the court needs additional time to review the reply documents filed on 4/21/21 by applicant consisting of about 800 pages of documents as the court has not received the judge's copy of the reply papers which applicant was required to deliver to chambers as required by LBR 5005-2(d) and Court Manual sections 2.5 and 3.5(b) and Appendix F.

The hearing will also have to be continued because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application and the need to review the documents relating to the tasks that were performed by applicant, including the some 784 pages of documents submitted by applicant in his request for judicial notice accompanying his reply to the opposition. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation and preparation of applicant's employment application (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks (i.e., applicant's employment application, preparation of the opposition to the motion of Second Generation for prejudgment interest).

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Wednesday, May 26, 2021

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11:00 AM

CONT... Catherine Trinh

Chapter 11

The court will also treat the application as a contested matter under FRBP 9014 in light of opposition of creditor Second Generation, Inc. and set an evidentiary hearing on the application to resolve factual issues of reasonableness of the fees claimed by applicant. Parties to address scheduling of the evidentiary hearing, and whether discovery is needed. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Movant(s):

Philip Kaufler

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#7.00 Cont'd hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503 fr. 4/28/21

Docket 563

Tentative Ruling:

Updated tentative ruling as of 5/24/21. The court has received the unredacted billing entries submitted in camera to the court as requested at the prior hearing, which the court has reviewed. However, debtor filed on 5/19/21 a declaration in opposition to the motion, which is an untimely opposition to the motion. Certain creditors filed on 5/21/21 a motion to continue the hearing on the application, and other creditors filed a joinder to the motion to continue. The court is inclined to grant the motion to continue the hearing though not primarily due to the late filing of the debtor's opposition and of the creditors' motion to continue pursuant to Local Bankruptcy Rule 9013-1. Debtor has not stated a good reason to excuse her late filing, and creditors have not stated a good reason for their late motion to continue as they did not timely oppose the application before the initial hearing on the application or before the continued hearing on the motion. Their reason that the unredacted billing entries had not been filed is not a good reason for continuance as the court allowed applicant to submit the unredacted billing entries in camera as there was no objection to this at the initial hearing on the application. The court should continue the hearing primarily because it has concerns about the allowability of fees for objecting to the disclosure statement which was really to protect its own interests as opposed to the general interests of creditors and the estate, but the court is inclined to allow the fees for intervening and opposing the adversary proceeding brought by debtor's spouse regarding the transfer of the residence on behalf of creditors and the estate, and since the court has these concerns, it may as well allow other parties to be heard on these concerns.

The creditors moving for continuance object to the fees of applicant in part because such fees are duplicative of fees for work performed by general

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11:00 AM

CONT...

Catherine Trinh

Chapter 11

bankruptcy counsel for debtor in possession, and this is also a reason for the court to continue the hearing because it has to also look at the fee application of general bankruptcy counsel for debtor in possession to evaluate whether there is such duplication. It makes sense in the court's view to continue the hearings on all professional fee applications to consider their interrelationships and to evaluate whether the fees are for services that are reasonable and beneficial to creditors and the estate.

In evaluating whether the unredacted billing statements of applicant should be filed as part of the public record or perhaps filed under seal with a protective order, it seemed to the court that the redactions were made to protect the confidentiality of communications with its client representative or the references to applicant's strategy pertaining to ongoing litigation. If such disclosure must be made, it may be required to be under seal with a protective order.

As to the pending motion to continue, the court will not rule on it before the hearing on 5/26/21, so the parties in interest could be heard on the motion, and the court and the parties can discuss scheduling of further proceedings.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them.

Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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, May 26, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#7.10 Cont'd status conference re: Post confirmation of plan
fr. 11/18/20, 1/20/21, 5/19/21

Docket 478

Tentative Ruling:

Updated tentative ruling as of 5/24/21. No tentative ruling on the merits. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/17/21. Off calendar. The court has reviewed the status report filed by the plan trustee, but the court on its own motion continues the status conference to 5/26/21 at 11:00 a.m. to be conducted with other matters in the case. No appearances are required on 5/19/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, May 26, 2021

Hearing Room 1675

11:00 AM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#8.00 Cont'd status conference re: Management of chapter 11 case
fr. 8/5/20, 12/9/20, 4/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/24/21. No tentative ruling on the merits. Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the hearing on this contested matter to 5/26/21 at 11:00 a.m. in the interests of judicial economy and efficiency since this is the one of only two cases on calendar on 4/21/21 and the court is generally aware of the status of the case, awaiting resolution of the WARN Act class action litigation. No appearances are required on 4/21/21.

Prior tentative ruling as of 4/14/21. No tentative ruling on the merits. Appearances are required on 4/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 27, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614109523>

ZoomGov meeting number: 161 410 9523

Password: 686823

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Thursday, May 27, 2021

Hearing Room 1675

9:00 AM
CONT...

Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

5/10/2021 3:53:55 PM

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CONT...

Chapter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, May 27, 2021

Hearing Room 1675

9:00 AM

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

#1.00 Hearing re: Second motion for attorney's fees and costs

Docket 221

***** VACATED *** REASON: Cont'd from 5/27/21 to 6/10/21 at 10:30 a.m.
per order entered on 4/30/21-mb.**

Tentative Ruling:

Off calendar. Continued to 6/10/21 at 10:30 p.m. by prior order. No appearances are required on 5/27/21.

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
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613622032>

ZoomGov meeting number: 161 362 2032

Password: 667452

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#1.00 Cont'd post discovery 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. 3/30/21, 4/13/21, 4/27/21

Docket 1

***** VACATED *** REASON: Order dismissing adversary proceeding entered on 5/11/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. The status conference is moot because the adversary proceeding has been dismissed by order entered on 5/11/21. No appearances are required on 6/1/21.

Party Information

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

Plaintiff(s):

Wesley H Avery

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

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
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Tuesday, June 1, 2021

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10:30 AM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

Adv#: 2:19-01332 Avery v. Leya Technologies, LLC et al

#2.00 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. 3/30/21, 4/13/21, 4/27/21

Docket 1

***** VACATED *** REASON: Order dismissing adversary proceeding entered on 5/11/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. The status conference is moot because the adversary proceeding has been dismissed by order entered on 5/11/21. No appearances are required on 6/1/21.

Party Information

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

Plaintiff(s):

Wesley H Avery

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

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
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Tuesday, June 1, 2021

Hearing Room 1675

10:30 AM

2:20-21155 Sina Asghari Rad and Mona Montazer

Chapter 7

#3.00 Cont'd hearing re: Motion for relief from stay
(California Capital Insurance Company VS Debtors)
fr. 5/4/21

Docket 12

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. In light of the lack of any timely written opposition to the movant's stay relief motion, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants 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. No appearances are required on 6/1/21. Movant to submit a proposed order within 7 days of hearing.

Prior tentative ruling. Service of the motion is deficient under LBR 4001-(c)(1) and 9013-1(d)(1) in that debtors have not been served as indicated on the proof of service of the notice of motion, although the court acknowledges that their bankruptcy attorney was served through NEF and debtors' discharge was entered on 4/5/21 and they now lack standing to object to stay relief as the stay is terminated as to them pursuant to 11 U.S.C. 362(c)(2)(C). Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Sina Asghari Rad

Represented By
Navid Kohan

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

10:30 AM

CONT... Sina Asghari Rad and Mona Montazer

Chapter 7

Joint Debtor(s):

Mona Montazer

Represented By
Navid Kohan

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 1, 2021

Hearing Room 1675

1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#4.00 Cont'd 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. 9/8/20, 1/12/21, 3/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Adamantine Investments LLC

Represented By
Dana M Douglas

**United States Bankruptcy Court
Central District of California
Los Angeles
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1:30 PM

CONT... **Anthony Roy Martinez**
Sterling Holdings LLC

Represented By
Dana M Douglas

Chapter 7

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, June 1, 2021

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

#5.00 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. 1/19/21, 2/2/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/12/21. No tentative ruling on the merits, although if the pending class settlement is approved on a final basis, the status conference will be moot based on the settlement, though a dispositive order for the adversary proceeding will need to be submitted for approval of the court. Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

1:30 PM

CONT... Zacky & Sons Poultry, LLC

Chapter 11

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
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Tuesday, June 1, 2021

Hearing Room 1675

1:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#6.00 Cont'd hearing re: Motion to compel discovery and court-ordered mediation and for sanctions
fr. 1/19/21, 2/16/21, 5/4/21

Docket 16

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of defendant's compliance with plaintiff's discovery requests. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

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

Tuesday, June 1, 2021

Hearing Room 1675

1:30 PM

CONT... Richard Ochoa Telles

Chapter 7

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 1, 2021

Hearing Room 1675

1:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#7.00 Cont'd status conference re: Complaint to determine non-dischargeability of debt under Section 523(a)(4) of the bankruptcy code and for denial of discharge under Section 727(a)(4)(A) of the bankruptcy code
fr. 1/19/21, 2/16/21, 5/4/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Since the parties completed mediation with no settlement, they should be prepared to discuss the status of discovery and scheduling of further proceedings, such as setting the matter for a pretrial conference. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 1/11/21. No tentative ruling on the merits. Appearances are required on 1/12/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Set a discovery cutoff date of 11/30/20 and a post-discovery status conference on 12/8/20 at 1:30 p.m. Parties will be asked why the matter should not be referred to mediation, why the trial estimate is three days per side since the direct testimony of nonadverse, cooperative witnesses will be presented by declaration, and why trial should be delayed

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

Tuesday, June 1, 2021

Hearing Room 1675

1:30 PM

CONT... Richard Ochoa Telles Chapter 7

pending the sale of estate assets. In this regard, the court notes that the trustee has filed a motion to sell estate artworks in the main bankruptcy case set for hearing on 8/11/20 at 2:30 p.m. Plaintiff is to lodge a proposed scheduling order after the status conference.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Pro Se

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

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

Tuesday, June 1, 2021

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#8.00 Hearing re: Motion to stay proceedings due to plaintiff having other legal means that are more efficient to plaintiff

Docket 38

***** VACATED *** REASON: Per order entered on 5/10/21-mb.**

Tentative Ruling:

Off calendar. The court has ruled on the motion by order entered on 5/10/21.
No appearances are required on 6/1/21.

Party Information

Debtor(s):

Arturo Gonzalez Pro Se

Defendant(s):

Wesley H Avery Represented By
Brett B Curlee

Anerio Altman Represented By
William J Wall

Does 1 - 20 Pro Se

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 1, 2021

Hearing Room 1675

2:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#9.00 Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1 fr. 3/30/21

Docket 15

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. The court on its own motion continues the hearing to the date and time of the noticed hearing on plaintiff's amended motion for default judgment on 6/22/21 at 2:30 p.m. No appearances are required on 6/1/21.

Prior tentative ruling. Although the complaint alleges claims under 11 U.S.C. 523 and 727, the motion does not identify which claims are the ones which plaintiffs seek default judgment on. It appears to the court that plaintiffs are seeking default judgment on their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6), but they do not show how each of the elements of claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) are satisfied on this record. Presumably, plaintiffs are basing their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) based on fraudulent misrepresentation, but the fraudulent misrepresentation had to induce plaintiffs to suffer damages, such as when they made the loan of \$90,000 to defendant, not afterwards, when the money had already passed to defendant. The misrepresentations made after plaintiffs parted with the loan money may show that the initial representation to induce the loan was fraudulent, but these subsequent misrepresentations are not actionable by themselves since they did not induce plaintiffs to part with the money to incur damages. The evidence in support of the motion is skimpy on the circumstances of the loan as it is unclear which entity made the loan, either plaintiff Eghbali or plaintiff Enrich Financial, Inc., or both, which entity borrowed the money, defendant, or one or more of his entities, whether the loan was oral or in writing and the misrepresentations by defendant to induce the loan. It needs to be made clear which entity is the proper party plaintiff to establish standing as the evidence is unclear as the NSF checks were written first to Enrich Financial and then to Mr. Eghbali, but the written promise to repay and promissory note is written out to Mr. Eghbali. It appears that

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

Tuesday, June 1, 2021

Hearing Room 1675

2:30 PM

CONT...

Fereidoun Chaparli

Chapter 7

plaintiffs liquidated the amount of the debt owed by defendant by obtaining the state court default judgment and that they rely upon res judicata to establish the amount of the debt. Since apparently the amount of the debt was previously liquidated in the state court action, this court is not determining the amount of the debt, but only determining whether the debt is nondischargeable. Plaintiffs' complaint alleges claims under 11 U.S.C. 727, but these claims are not addressed in the motion, presumably because if plaintiffs prevail on their claims under 11 U.S.C. 523, they will seek to move to dismiss their claims under 11 U.S.C. 727 pursuant to FRBP 7041 with notice to the Chapter 7 trustee and the United States trustee. Plaintiffs will need to address these issues before the court can rule on the motion. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Counsel should appear promptly at 2:30 p.m. to be called first or second on the calendar as there is another matter on calendar which will require extensive argument, and there may be a substantial wait if this matter is put on second call if counsel does not appear on time.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Movant(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

Plaintiff(s):

Arian Eghbali

Represented By

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

Tuesday, June 1, 2021

Hearing Room 1675

2:30 PM

CONT... Fereidoun Chaparli

Chapter 7

Enrich Financial, Inc.

Sanaz Sarah Bereliani

Represented By
Sanaz Sarah Bereliani

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 1, 2021

Hearing Room 1675

3:00 PM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, June 1, 2021

Hearing Room 1675

3:00 PM
CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Order to show cause why defendant's attorney James Bryant should not be sanctioned for failure to appear at the May 18, 2021 technical pretrial conference

Docket 513

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#11.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 4/21/21, 5/5/21, 5/18/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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, June 1, 2021

Hearing Room 1675

3:00 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
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Tuesday, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#12.00 Cont'd 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 fr. 4/21/21, 5/5/21, 5/18/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#13.00 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. 4/21/21, 5/5/21, 5/18/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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 of plaintiff/creditor James Lee Clark for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris fr. 4/21/21, 5/5/21, 5/18/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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 to compel inspection and to produce documents and responses from and to defendant/debtor Rita Gail Ellison-Farris; request for terminating sanctions fr. 4/21/21, 5/5/21, 5/18/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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: Plaintiff/creditor James Lee Clark's motion for an order for sanctions including terminating sanctions against defendant/debtor Rita Ellison-Farris fr. 4/21/21, 5/5/21, 5/18/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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 abstain
fr. 4/21/21, 5/5/21, 5/18/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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 amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 4/21/21, 5/5/21, 5/18/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 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: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 4/21/21, 5/5/21, 5/18/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#20.00 Order to show cause why defendant's attorney James Bryant should not be sanctioned for failure to appear at the May 18, 2021 technical pretrial conference

Docket 97

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 10.

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

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

Tuesday, June 1, 2021

Hearing Room 1675

3:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#21.00 Cont'd pretrial and technical status conference and setting deadline for written evidentiary objections to exclude exhibits 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. 4/21/21, 5/5/21, 5/18/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. See tentative ruling for item number 11.

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

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

Tuesday, June 1, 2021

Hearing Room 1675

3:00 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, June 2, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605830594>

ZoomGov meeting number: 160 583 0594

Password: 692652

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, June 2, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, June 2, 2021

Hearing Room 1675

11:00 AM

2:19-10119 David Lee

Chapter 11

#1.00 Hearing re: Motion for order closing case on interim basis

Docket 401

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 2, 2021

Hearing Room 1675

11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#2.00 Cont'd hearing re: Plan confirmation (Subchapter V)
fr. 11/18/20, 12/16/20, 3/31/31

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 9/1/21 at 11:00 a.m.
per order entered on 5/20/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 12/14/20. The court has reviewed debtor's updated status report. No tentative ruling on the merits. Appearances are required on 12/16/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled

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

Wednesday, June 2, 2021

Hearing Room 1675

11:00 AM

CONT... Hollywood for Children, Inc., a New York non-profi Chapter 11

hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 11/16/20. No tentative ruling on the merits. Appearances are required on 11/18/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New	Represented By
	Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, June 2, 2021

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11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#3.00 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 11/18/20, 12/16/20, 2/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/210. The court notes that debtor has filed its reorganization plan and noticed plan confirmation for hearing. No tentative ruling on the merits. Appearances are required on 2/3/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New

Represented By
Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)

Pro Se

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

Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

#4.00 Cont'd pretrial conference re: Chapter 7 trustee's omnibus objection to: Claim No. 11 - Shaoxing LeiLei Import & Export; Claim No. 12 - Cong Ty Tnhh Anh Chau; Claim No. 13 - Shaoxing Tuchang Knitting Textile; Claim No. 14 - Gia Phu Fashion Company; and Claim No. 15 - Cong Ty May Trinh Vuong
fr. 10/14/20, 2/3/21, 3/31/21

Docket 351

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Prior tentative ruling as of 10/13/20. The trustee's objections to the claims as amended of creditors Shaoxing Leilei Import & Export Co. (\$223,394.01), Cong Ty Tnhh Anh Chau (\$1,843,219.16), Shaoxing Tuchang Knitting Textile Co., Ltd. (\$323,430.14)(note: amended claim refers to Shaoxing Leilei Import & Export Co. as claimant, which appears to be a scrivener's error, as supporting documentation refers to Shaoxing Tuchang Knitting Textile Co., Ltd.), Gia Phu Fashion Co. (\$333,916.51), and Cong Ty May Trinh Vuong (\$1,036,668.79) pursuant to Federal Rule of Bankruptcy Procedure 3007 are contested matters pursuant to Federal Rule of Bankruptcy Procedure 9014. See In re Garner, 246 B.R. 617, 623 (9th Cir. BAP 2000), citing inter alia, Advisory Committee Note to Federal Rule of Bankruptcy Procedure 3007. The trustee, claimants and a creditor joining the trustee's objections have filed declarations and documentary evidence in support and in opposition to the objections. The trustee has filed evidentiary objections to the declarations and documentary evidence of the claimants with the expectations that the court will sustain his objections and determine that there are no genuine issues of material fact to preclude the court from determining that he is entitled to judgment as a matter of law that claimants have failed to meet their burden of proving the validity and amount of their claims. In order for the court to now rule in favor of the trustee and sustain his objections now, the court would have to determine that despite claimants' evidence, there are no genuine issues of material fact and that the trustee is entitled to judgment as a

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CONT... Kody Branch of California, Inc.

Chapter 7

matter of law. In essence, this request is a motion for summary judgment under Federal Rule of Bankruptcy Procedure 7056, which applies to contested matters like these under Federal Rule of Bankruptcy Procedure 9014, but the trustee has not filed such a motion. Even if the court were to sustain the trustee's evidentiary objections, it would seem to the court in the interest of fairness to allow claimants to cure the evidentiary objections to their evidence as Rule 9014 provides that "reasonable notice and opportunity for hearing shall be afforded to the party against whom relief is sought." Rule 9014 also provides that "[t]estimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding" and that "[t]he court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify." The trustee apparently believes that there are no genuine issues of material fact, if that is the case, then it should be determined upon a proper motion for summary judgment under Rule 7056. It appears that there are unresolved material factual issues that may require an evidentiary hearing to resolve, requiring the issuance of factual findings pursuant to Federal Rule of Bankruptcy Procedure 7052, and if so, then the court should set an appropriate schedule of pretrial and trial proceedings, especially considering the large dollar amounts of the objected to claims. The court is not sure that on this record, the trustee has shown that there are no genuine issues of material fact and that he is entitled to judgment as a matter of law on grounds that claimants have not their ultimate burden of proving the validity and amount of their claims. Moreover, the court is not so sure that the trustee is entitled to judgment as a matter of law that the claims should be barred under California law based on the statute of frauds and the statute of limitations on contractual breach claims as the claims are based on contracts involving parties of different contractual states, i.e., debtor as the buyer of goods is a California contract party, but the claimants as the seller of goods are foreign contract parties from China and Vietnam, and thus, it is unclear the choice of law governing the contracts between the parties. The trustee assumes that California law applies to the contracts because the buyer is a California party, but there is no evidence in the contracts themselves that California law governs these claims. It may be that the contracts may be governed by the law of China and/or Vietnam, where the claimants as the selling parties are located. Or the international sales contracts like these may be governed by

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CONT... Kody Branch of California, Inc.

Chapter 7

international law, i.e., United Nations Convention on Contracts for the International Sale of Goods, S. Treaty Doc. No. 98-9 (1983), reprinted in 15 U.S.C.A. App. ("CISG"), cited in *Shantou Real Lingerie Manufacturing Co., Ltd. v. Native Group International, Ltd.*, No. 14 Civ. 10246 (FM), 2016 WL 4532911 at *2-3 (S.D.N.Y. August 23, 2016), citing, *Cedar Petrochemicals, Inc. v. Dongbu Hannong Chem. Co.*, No. 06 Civ. 3972 (LTS) (JCF), 2011 WL 4494602, at *3 (S.D.N.Y. Sept. 28, 2011) ("[The CISG] automatically applies to international sales contracts between parties from different contracting states[.] ... Where parties wish to exercise their right to derogate from the CISG, they must do so explicitly.") (internal quotation marks omitted) (quoting *Zhejiang Shaoxing Yongli Printing & Dyeing Co. v. Microflock Textile Grp.*, No. 06 Civ. 22608 (JJO), 2008 WL 2098062, at *1 (S.D. Fla. May 19, 2008)); see also, Zierdt and Adams, "International Sales of Goods," 70 Bus. Law. 1269 (American Bar Association: Fall 2015); Adams and Zierdt, "International Sales of Goods," 2017-NOV Bus. L. Today 243 (American Bar Association: Nov. 2017). The parties have not addressed choice of law issues in their briefing, which have bearing on the arguments being made in the pleadings and raise unresolved legal and factual issues. The court believes that these contested matters of the trustee's objections to the claims of the claimants should be resolved by an evidentiary hearing or upon a motion for summary judgment in accordance with the applicable rules, Federal Rules of Bankruptcy Procedure 3007, 7052, 7056 and 9014, so that the factual and legal issues presented can be fully and fairly ventilated and determined.

Appearances are required on 10/14/20, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

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CONT... Kody Branch of California, Inc.

Chapter 7

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 9/25/20. The court will treat the objections to claims as contested matters under FRBP 9014 and will treat the hearing on 9/30/20 as a status conference. The parties should advise the court whether there are material issues of fact that require an evidentiary hearing. If so, the court will inquire with the parties as to an appropriate pretrial and trial schedule. If not, the court will discuss with the parties scheduling of a final hearing on the objections to hear arguments on the evidentiary objections asserted by the parties and on the merits of the objections. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 6/8/20. In response to the trustee's omnibus objections to claims, claimants through their attorney filed amended claims on 5/11/20 and 5/12/20. Pursuant to Rule 3001(f) of the Federal Rule of Bankruptcy Procedure (FRBP), proofs of claim executed and filed in accordance with the FRBP shall constitute prima facie evidence of the validity and amount of the claims. In reply, the trustee supported by declarations of Linda Lee and Michael Weinberg has rebutted the prima facie correctness of the amended proofs of claim by showing that the documents attached to the

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CONT... Kody Branch of California, Inc.

Chapter 7

amended proofs of claim were fabricated and are not genuine. Moreover, in the court's view, the documents to support amended claims lack evidentiary foundation as none of the documents attached in support of the amended claims are properly authenticated by someone with personal knowledge as required by Rules 602, 901 and 902 of the Federal Rules of Evidence, which tends to show that the objections to the claims have rebutted the prima facie correctness of the claims, and that the claimants bear the ultimate burden of proving the validity of their claims and should be prepared to show that they have met this burden at the hearing. In re Holm, 931 F.2d 620, 623 (9th Cir. 1991).

Appearances are required on 6/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 6/2/20 at 2:30 p.m. No appearances are required on 4/28/20.

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
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Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01466 Avery v. Gia Phu Fashion Garment Co.

#5.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers
fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Gia Phu Fashion Garment Co.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01468 Avery v. Baldwin Sun Inc.

#6.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and transfers
fr. 11/17/20, 2/2/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/20/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Baldwin Sun Inc.

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01472 Avery v. Shanghai Medicines and Health Products Import and

#7.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. The court on its own motion continues the status conference to 8/4/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 6/1/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shanghai Medicines and Health

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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CONT... Kody Branch of California, Inc.

Chapter 7

Trustee(s):

Wesley H. Avery

Represented By

Kristofer R McDonald

Richard A Marshack

D Edward Hays

David Wood

**United States Bankruptcy Court
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Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01473 Avery v. Sio, LLC

#8.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 11/17/20, 2/2/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m. per stip & order entered on 5/20/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Sio, LLC

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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 2, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01474 Avery v. Voong

#9.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 9/29/20, 12/15/20, 4/20/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Kevin Voong

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01475 Avery v. Van

#10.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m. per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Thi Hong Van

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01476 Avery v. Chau

#11.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Cong Ty Tnhh Anh Chau

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01477 Avery v. Shaoxing LeiLei Import & Export Company

#12.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m. per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing LeiLei Import & Export

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01478 Avery v. Shaoxing Tuchang Knitting Textile Co., Ltd.

#13.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/19/21-mb**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing Tuchang Knitting Textile

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays
David Wood

**United States Bankruptcy Court
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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01479 Avery v. Trinh

#14.00 Cont'd status conference re: Complaint for (1) breach of fiduciary duty; (2) conversion; (3) misappropriation of trade secrets; (4) wrongful disparagement of debtor's assets; (5) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of actual fraudulent transfers; (7) avoidance, recovery, and preservation of constructive fraudulent transfers; (8) unauthorized post-petition transfers; and (9) turnover of property of the estate
fr. 9/30/20, 11/17/20, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/2/21 to 8/4/21 at 11:30 a.m.
per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 5/28/21. Off calendar. Continued by stipulation and order to 8/4/21 at 11:30 a.m. No appearances are required on 6/1/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Tony Trinh

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack

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Chapter 7

D Edward Hays
David Wood

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11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01469 Avery v. Trinh Vuong Garment Co., Ltd.

#14.10 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 12/16/20, 2/3/21, 3/31/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 3/26/21. Off calendar. The court on its own motion continues the status conference to 6/2/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 3/31/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Vuong Garment Co., Ltd.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood

**United States Bankruptcy Court
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11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays

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
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Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:18-01209 Voong v. Trinh

#15.00 Cont'd status conference re: Adversary complaint for declaratory relief
fr. 9/29/20, 12/15/20, 4/20/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 6/1/21. The court has reviewed the corrected joint status report and will set a deadline of 6/30/21 for filing motions to join other parties or to amend pleadings, a deadline of 11/30/21 to complete discovery, a deadline of 12/15/20 for filing dispositive motions and a post-discovery status conference for 12/14/21 at 1:30 p.m. with a joint status report due on 12/7/21. The court will also order the parties to mediation, and the parties are to file a selection of a mediator and alternate by 7/30/21 and complete mediation by 12/14/21. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. The court wants to discuss with the parties as to whether it should proceed with the remaining unadjudicated claims in light of plaintiff's further interlocutory appeal to the Ninth Circuit on some claims. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 2, 2021

Hearing Room 1675

11:30 AM

CONT... Catherine Trinh

Chapter 11

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**

Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:18-17189 Seven-Bros Enterprises, Inc.

Chapter 7

#16.00 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. 9/29/20, 12/15/20, 4/20/21

Docket 36

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/19/21. Off calendar. Continued on the court's own motion to 6/2/21 at 11:30 a.m. by order entered on 4/19/21. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, June 2, 2021

Hearing Room 1675

11:30 AM

2:18-17189 Seven-Bros Enterprises, Inc.

Chapter 7

#17.00 Cont'd hearing re: Motion of Salvato Law Offices to withdraw as counsel for debtor
fr. 12/15/20, 12/15/20, 4/20/21

Docket 82

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/19/21. Off calendar. Continued on the court's own motion to 6/2/21 at 11:30 a.m. by order entered on 4/19/21. No appearances are required on 4/20/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/20/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#18.00 Cont'd hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Christmas
fr. 4/7/21, 4/28/21, 5/6/21

Docket 937

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent

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Los Angeles
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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400 South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

ACE MUSEUM, a California

Represented By
Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Wednesday, June 2, 2021

Hearing Room 1675

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CONT... Art and Architecture Books of the 21st Century Chapter 11

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

Steven Thomas

Stephen Sorensen

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#19.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea
fr. 3/17/21, 4/28/21, 5/6/21

Docket 900

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a

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

Art and Architecture Books of the 21st Century

Chapter 11

Daubert (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); Pacific Fuel Co., LLC v. Shell Oil Co., Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, Kona Technology Corp. v. Southern Pacific Transportation Co., 225 F.3d 595, 611 (5th Cir. 2000) ("[A] trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'"). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

ACE MUSEUM, a California

Represented By
Alan W Forsley

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By
Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#20.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith fr. 4/7/21, 4/28/21, 5/6/21

Docket 899

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the Plan Agent that the court does not have to exclude the expert testimony evidence before trial since this is a bench trial, and the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the particular expert is needed to rebut the other party's expert testimony. See Plan Agent's Opposition to Motion in Limine at 4-5; see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis

**United States Bankruptcy Court
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Los Angeles
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Wednesday, June 2, 2021

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3:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

before presentation of the evidence, even though he must determine admissibility at some point."). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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
Ronald Rus
Fahim Farivar
Brian L Davidoff
Keith Patrick Banner

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Jennifer Kellen

Represented By
J. Bennett Friedman

Michael D. Smith

Represented By
Brian L Davidoff
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas

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

Wednesday, June 2, 2021

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CONT...

Art and Architecture Books of the 21st Century
Stephen Sorensen

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#21.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian
fr. 4/7/21, 4/28/21, 5/6/21

Docket 898

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the recent supplemental filings by the parties. Preliminarily, the court is considering whether or not to adopt the same tentative ruling as to the other motions in limine, particularly since the purpose of the Saadian expert testimony was to rebut the expert testimony of defendants' expert, which is somewhat more open-ended than defendants describe in their motion. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. The motion in limine to exclude the testimony of the designated expert witness is moot in light of the untimely death of the expert witness and the granting of the plan agent's motion to designate a replacement witness by 4/1/21. While movant filed a statement of

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Los Angeles
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CONT... Art and Architecture Books of the 21st Century Chapter 11

nonopposition to its motion, the court notes that in light of its order granting the plan agent's motion to designate a replacement witness, the motion may be superseded by the designation of a replacement witness as permitted by the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 Jonathan Seligmann Shenson
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 Ronald Rus Fahim Farivar Brian L Davidoff Keith Patrick Banner

Jennifer Kellen

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Art and Architecture Books of the 21st Century Chapter 11

J. Bennett Friedman

Michael D. Smith

Represented By
Brian L Davidoff
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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CONT... Art and Architecture Books of the 21st Century

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#22.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 4/7/21, 4/28/21, 5/6/21

Docket 713

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the pretrial conference on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of Stern v. Marshall, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, June 2, 2021

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CONT... Art and Architecture Books of the 21st Century Chapter 11

judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century
Alan I Nahmias

Chapter 11

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 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 Ekwan E Rhow Elliot C Harvey Schatmeier
Jennifer Kellen	Represented By Michael D Sobkowiak

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

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
Steven Thomas
Stephen Sorensen

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 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.

#23.00 Cont'd hearing re: Plaintiff's motion for summary judgment on conversion and breach of fiduciary duty against defendant Douglas Christmas fr. 3/30/21, 4/28/21, 5/6/21

Docket 870

Tentative Ruling:

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the volume of the moving and opposing papers. Preliminarily, the court needs to consider whether it needs to submit a report and recommendation on the motion to the district court for review since the subject claims are noncore state law claims within the purview of *Stern v. Marshall*, 564 U.S. 462 (2011) if it determines that the motion should be granted, when the court should refer any such report and recommendation to the district court, and how such referral will affect the resolution of the subject claims unresolved as to other parties. While the court tentatively determines that the motion should be granted for the reasons stated in the moving papers and that the oppositions lack merit, the court determines that the proposed statement of uncontroverted facts is too abbreviated and generalized to be useful to a reviewing court (i.e., whether this court, the district court or an appellate court). The proposed statement of uncontroverted facts and conclusions of

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3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

law is not just a procedural requirement that can be submitted in a perfunctory manner under LBR 7056-1, but it is intended to serve as the court's reasoning in granting a summary judgment motion by specifically identifying each of the specific material facts in support of the motion and citing portions of pleadings, affidavits, depositions, interrogatory answers, admissions or other documents in evidence. The cursory citations to the court's Rule 2004 decision and the declarations are inadequate to perform this function. The court's Rule 2004 decision is not evidence as its findings are not law of the case or res judicata as to the subject claims as such claims were not before the court on the Rule 2004 motion. Cursory citations to the Ziegler, Leslie and Kincaid declarations in the proposed statement of uncontroverted facts and conclusions of law are inadequate because the references are to their statements of opinion, which are not evidence, as opposed to the underlying evidence of specific facts that support findings of the elements of the subject claims of conversion and breach of fiduciary duty, that is, there needs to be specific references to the underlying factual evidence. Also, if movant is requesting the court to draw adverse inferences to defendant Christmas, this is not accounted for in the proposed statement of uncontroverted facts and conclusions of law with specific references to his invocation of the Fifth Amendment privilege as to questions relating to specific elements of the subject claims. No appearances are required on 4/28/21.

Party Information

Debtor(s):

Art and Architecture Books of the

Represented By
Thomas M Geher
David W. Meadows

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

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
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow

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

Wednesday, June 2, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Friday, June 4, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1615815937>

ZoomGov meeting number: 161 581 5937

Password: 433963

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Friday, June 4, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Friday, June 4, 2021

Hearing Room 1675

9:00 AM

2:14-29611 Nikolay Machevsky

Chapter 7

#1.00 TRIAL RE: Motion to allow supplemental administrative expense claim of Data Leverage, LLC
fr. 1/15/21, 3/9/21, 5/4/21

Docket 121

Tentative Ruling:

Updated tentative ruling as of 6/4/21. No tentative ruling on the merits. Appearances are required on 6/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 12/28/20. The Court hereby provides notice to the parties to this contested matter that the Court will hold the evidentiary hearing on claimant's motion for allowance of administrative expense claim on **January 15, 2021 at 12:00 p.m. (noon)**, which will be conducted via Zoom for Government. Participants will be connected to the courtroom using Zoom for Government but will not be physically present in the courtroom. Participants must connect to the Zoom for Government courtroom no later than 11:50 a.m. and check in with the law clerk/DECRO. If a trial participant is having problems connecting to the trial, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Video. Utilize the following link: <https://cacb.zoomgov.com/j/1617360264>

**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Friday, June 4, 2021

Hearing Room 1675

9:00 AM

CONT... **Nikolay Machevsky**

Chapter 7

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

b. Audio only. Audio-only participants must call into Zoom for Government by calling:

+1 669 254 5252, or +1 646 828 7666;

and insert **Meeting ID:** 161 736 0264 and **Password:** 128488

Revised tentative ruling as of 12/7/20. The court will treat the motion of Data Leverage, LLC, to allow its supplemental administrative expense claim as a contested matter pursuant to FRBP 9014. Although it is an open question in the Ninth Circuit, the court is inclined to agree with movant that its claim is not precluded by the fact that this is a Chapter 7 bankruptcy case to claim actual, necessary costs of preserving the estate or actual, necessary expenses incurred by a creditor in making a substantial contribution to the estate pursuant to 11 U.S.C. 503(b)(1)(A) and/or (b)(3)(D) based on the word "including" in 11 U.S.C. 503(b) based on the weight of the case law. In re Mark Anthony Construction, Inc., 886 F.2d 1101, 1106-1107 (9th Cir. 1989), citing inter alia, 11 U.S.C. 102(3) ("includes' and 'including' are not limiting"); Mediofactoring v. McDermott (In re McDermott), 802 F.3d 810, 816 (6th Cir. 2015); In re Maqsoudi, 566 B.R. 40, 44 (Bankr. C.D. Cal. 2017); In re Maust Transportation, Inc., 589 B.R. 887 (Bankr. W.D. Wash. 2018); but see, In re United Education and Software, BAP No. CC-05-1067 MaMeP, 2005 WL 696037 at *7 (9th Cir. BAP October 7, 2005)(holding that the five examples of 11 U.S.C. 503(b)(3) are limited). However, whether movant has substantiated its claim of actual, necessary costs of preserving the estate or actual, necessary expenses incurred by it in making a substantial contribution to the estate. In this regard, the court agrees with the trustee and most of his evidentiary objections to the Linton declaration in support of the motion that the evidentiary support of movant's claims lack foundation. The admissible evidence to substantiate the alleged liens, debt service payments and tax obligations which movant allegedly paid off is lacking authenticity and testimony based on personal knowledge as well as evidence that the payments were actually made (no corroborative evidence of payments being

**United States Bankruptcy Court
Central District of California
Los Angeles
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Friday, June 4, 2021

Hearing Room 1675

9:00 AM

CONT...

Nikolay Machevsky

Chapter 7

made, such as bank statements, cancelled checks, wire transfer receipts, etc.). The admissible evidence to substantiate the alleged legal fees incurred by movant to allegedly preserve the estate property is lacking authenticity and testimony based on personal knowledge as well as evidence that the services were rendered for the purposes to preserve estate property as movant alleges is lacking. Given the large dollar amounts that were allegedly spent (i.e., \$293,694.87 on the proof of claim filed with the court attached as Exhibit D to movant's request for judicial notice) to preserve estate property or make a substantial contribution to the estate and the assertions in the moving papers indicate that movant may have a colorable claim under 11 U.S.C. 503(b)(1)(A) or (b)(3)(D), the court is inclined to give an opportunity to meet its burden of proving up its administrative expense claim under 11 U.S.C. 503 with admissible evidence, which may mean an evidentiary hearing. However, the trustee may have defenses on policy grounds that this is not the rare case where substantial contribution should be allowed if movant acted with knowledge of debtor's bankruptcy case or failed to conduct appropriate due diligence to learn of the bankruptcy case as alleged by trustee. The court expects to set a schedule of pretrial proceedings for movant to prove up its claim with admissible evidence.

Appearances are required on 12/8/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

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**

Monday, June 7, 2021

Hearing Room 1675

1:00 PM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1613520184>

ZoomGov meeting number: 161 352 0184

Password: 417760

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Monday, June 7, 2021

Hearing Room 1675

1:00 PM
CONT...

Chapter

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- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Monday, June 7, 2021

Hearing Room 1675

1:15 PM

2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#1.00 TRIAL BY ZOOM 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. 4/19/21, 5/3/21, 5/17/21

Docket 118

Tentative Ruling:

No updated tentative ruling as of 6/7/21. No tentative ruling on the merits. Appearances are required on 6/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised and updated tentative ruling as of 5/10/21. Off calendar. Continued by stipulation and order to 6/7/21 at 1:15 p.m. The stipulated order further provides that the court on its own motion also extends the deadline to file and serve supplemental briefing from on the court's written tentative ruling of 4/19/21 from 5/10/21 to 5/24/21. No appearances are required on 5/17/21.

Prior tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the final hearing on the motion to 5/3/21 at 2:00 p.m. because having considered the voluminous papers and authorities relating to the motion, the court has prepared a written tentative ruling on the motion to be issued shortly by docketed order which raises concerns and authorities not raised by the parties in the papers, and the court believes that the parties should have a prior opportunity to consider and address the tentative ruling at the final hearing. A formal order continuing the hearing to 5/3/21 at 2:00 p.m. is being entered. No appearances are required on 4/19/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/25/21. The court has approved the stipulation of

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Monday, June 7, 2021

Hearing Room 1675

1:15 PM

CONT... Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented

**United States Bankruptcy Court
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Los Angeles
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Monday, June 7, 2021

Hearing Room 1675

1:15 PM

CONT... **Ayers Bath (U.S.A.), Co.,Ltd.**
parties must appear by telephone.

Chapter 7

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

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 8, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1619141587>

ZoomGov meeting number: 161 914 1587

Password: 841569

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Tuesday, June 8, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
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Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, June 8, 2021

Hearing Room 1675

1:30 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#1.00 Cont'd status conference re: Complaint for 1. declaratory relief; 2. Violation of discharge fr. 6/9/20, 12/15/20, 4/13/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/8/21 to 6/15/21 at 1:30 p.m.
per order entered on 6/1/21-mb.**

Tentative Ruling:

Off calendar. Continued to 6/15/21 at 1:30 p.m. by prior order of the court.
No appearances are required on 6/8/21.

Party Information

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

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, June 9, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1603409883>

ZoomGov meeting number: 160 340 9883

Password: 624806

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Wednesday, June 9, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
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"Telephonic Instructions" section.

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- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, June 9, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:19-01506 Trinh v. Second Generation, a California corporation

#1.00 Cont'd status conference re: Complaint for: (1) declaratory relief; (2) avoidance and recovery of preferential transfer; (3) recovery of property; (4) preservation of a preferential transfer; and (5) disallowance of claim
fr. 10/20/20, 11/18/20, 2/17/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/9/21 to 8/25/21 at 11:00 a.m.
per stip & order entered on 6/4/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued by stipulation and order to 8/25/21 at 11:00 a.m. No appearances are required on 6/9/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Defendant(s):

Second Generation, a California

Pro Se

Plaintiff(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 9, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#2.00 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 3/10/21, 3/17/21, 4/7/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. The court on its own motion continues the status conference to 6/16/21 at 11:00 a.m. by order entered on 6/4/21. No appearances are required on 6/9/21.

Prior tentative ruling. The court notes that debtor through counsel failed to serve a judge's copy of the Subchapter V plan of reorganization (Docket No. 52), consisting of 59 pages, in violation of LBR 5005-2(d) as the proof of service of the application states that no service of the required judge's copy per General Order 20-02, which statement is erroneous because the general order does not except the plan from the service requirement of LBR 5005-2(d). The pandemic exception temporarily suspending the requirement of service of a judge's copy under General Order 20-02 and Amended General Order 20-06 applies only to documents 25 pages in length or less and does not apply to the plan document which is 59 pages in length. In lieu of sanctions for the violation of LBR 5005-2(d) and the misinterpretation of the court's general order, the court will order counsel for debtor to serve a judge's copy of the plan document and file a declaration under penalty of perjury that he has read LBR 5005-2(d), General Order 20-02 and Amended General Order 20-06, that he has instructed his staff to read these legal authorities and that he and his staff will comply with the court's service requirements pursuant to these authorities in the future.

Debtor must be prepared to discuss and commit to a reasonable timetable for plan confirmation proceedings and hearing. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Wednesday, June 9, 2021

Hearing Room 1675

11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

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

Wednesday, June 9, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

#3.00 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. 8/5/20, 11/4/20, 2/3/21

Docket 312

***** VACATED *** REASON: Cont'd from 6/9/21 to 8/11/21 at 11:00 a.m.
per stip & order entered on 5/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued by stipulation and order to 8/11/21 at 11:00 a.m. No appearances are required on 6/9/21.

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 9, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

#4.00 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. 8/5/20, 11/4/20, 2/3/21

Docket 316

***** VACATED *** REASON: Cont'd from 6/9/21 to 8/11/21 at 11:00 a.m.
per stip & order entered on 5/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued by stipulation and order to 8/11/21 at 11:00 a.m. No appearances are required on 6/9/21.

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 9, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

#5.00 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. 8/5/20, 11/4/20, 2/3/21

Docket 310

***** VACATED *** REASON: Cont'd from 6/9/21 to 8/11/21 at 11:00 a.m.
per stip & order entered on 5/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued by stipulation and order to 8/11/21 at 11:00 a.m. No appearances are required on 6/9/21.

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 9, 2021

Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

#6.00 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. 8/5/20, 11/4/20, 2/3/21

Docket 314

***** VACATED *** REASON: Cont'd from 6/9/21 to 8/11/21 at 11:00 a.m.
per stip & order entered on 5/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued by stipulation and order to 8/11/21 at 11:00 a.m. No appearances are required on 6/9/21.

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
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Wednesday, June 9, 2021

Hearing Room 1675

2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#7.00 Cont'd hearing re: Application for payment of final fees and/or expenses for Fredman Lieberman Pearl LLP, debtor's attorney, Period: 2/2/2018 to 1/28/2021, Fee: \$635,953.00, Expenses: \$10,302.61.
fr. 3/31/21, 4/28/21

Docket 549

***** VACATED *** REASON: Cont'd from 6/9/21 to 6/30/21 at 2:00 p.m.
per order entered on 6/1/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 6/30/21 at 2:00 p.m. by prior order. No appearances are required on 6/9/21.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the application because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application consisting of over 300 pages. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., accountant), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks, or unreasonable charges, that is, charging \$50.00 each time

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an attorney looks at a document filed in the case, whether or not there is any action taken on the document (e.g., looking at orders approving stipulations, which require no action by applicant), which amount to hundreds, if not, thousands of dollars, without any specific benefit to the estate. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#8.00 Cont'd hearing re: Application for payment of final fees and/or expenses of LEA Accountancy, LLP, Accountant
fr. 4/28/21

Docket 568

***** VACATED *** REASON: Cont'd from 6/9/21 to 6/30/21 at 2:00 p.m.
per order entered on 6/1/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 6/30/21 at 2:00 p.m. by prior order. No appearances are required on 6/9/21.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the application because: (1) no detailed explanation of the expenses of \$333.71 is contained in the application in order for the court to determine the reasonableness of the expenses under 11 U.S.C. 330; and (2) the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the billing entries attached to the application). In conducting this review, the court will have to review matters on the docket, such as the monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., counsel), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court also expects to disallow fees of applicant of several thousand dollars for attending disclosure statement hearings, which were unnecessary in the court's view, as other professionals (i.e., counsel) were appearing for debtor. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. Applicant will need to submit billing entries for the claimed expenses for the court to complete its review of the application, and thus, it appears that the hearing will need to be continued in

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Catherine Trinh

Chapter 11

order for movant to submit billing entries for claimed expenses and for the court to review them and the other fees claimed. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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Wednesday, June 9, 2021

Hearing Room 1675

2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#9.00 Order to show cause why sanctions should not be imposed against attorney Philip Kaufler

Docket 606

***** VACATED *** REASON: Cont'd from 6/9/21 to 6/30/21 at 2:00 p.m.
per order entered on 6/1/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 6/30/21 at 2:00 p.m. by prior order. No appearances are required on 6/9/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler

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2:18-11475 Catherine Trinh

Chapter 11

#10.00 Cont'd hearing re: Application for payment of: final fees and/or expenses (11 U.S.C. 330) for Philip Kaufler, special counsel, fee: \$12,392.50, expenses: \$1,864.50 fr. 4/28/21, 5/26/21

Docket 567

***** VACATED *** REASON: Cont'd from 6/9/21 to 6/30/21 at 2:00 p.m.
per order entered on 6/1/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 6/30/21 at 2:00 p.m. by prior order. No appearances are required on 6/9/21.

Prior tentative ruling as of 5/24/21. While applicant has corrected the service deficiency by servicing notice of the application and continued hearing on all creditors, he has failed to remedy the other deficiencies in the application as indicated in the court's prior tentative ruling as of 4/29/21, namely, he has not filed a supplemental declaration regarding his efforts to obtain the declaration of the client in support of the application or to describe his specific efforts to obtain such a declaration, and he has not yet provided a judge's copy of his 784-page reply papers in violation of LBR 5005-2(d) which impedes the court's review of the application papers.

The court will set a date for an evidentiary hearing on the application in light of the opposition to the application, which date will be set after a reasonable time for the court to review the papers once it receives the judge's copy of the reply papers. Because the fees claimed by this applicant overlaps with other applicants, namely, general bankruptcy counsel for debtor in possession, the court will also continue the further hearing on the final fee applications of the other professionals to 6/9/21 so that the court can consider the work of all these professionals due to their interrelationship to determine the reasonableness of all the claimed professional fees.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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Chapter 11

Prior tentative ruling as of 4/26/21. Service of the application is deficient because the proof of service does not show that all creditors have been served with 21 days notice of the application as required by FRBP 2002(a)(6) and 9013. The hearing will have to be continued because applicant will have to serve all creditors with notice of the application.

The application is deficient because there is no separately filed declaration from the client indicating that she has reviewed the application and has no objection to it, and applicant's declaration describing the steps that were taken to obtain the client's declaration and response thereto as required by LBR 2016-1(a)(1)(J) and (c)(2) is deficient because it is vague and conclusory as to the details of such steps to contact the client and obtain her declaration.

The hearing will also have to be continued because the court needs additional time to review the reply documents filed on 4/21/21 by applicant consisting of about 800 pages of documents as the court has not received the judge's copy of the reply papers which applicant was required to deliver to chambers as required by LBR 5005-2(d) and Court Manual sections 2.5 and 3.5(b) and Appendix F.

The hearing will also have to be continued because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application and the need to review the documents relating to the tasks that were performed by applicant, including the some 784 pages of documents submitted by applicant in his request for judicial notice accompanying his reply to the opposition. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation and preparation of applicant's employment application (i.e., work performed by multiple attorneys in the firm

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as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks (i.e., applicant's employment application, preparation of the opposition to the motion of Second Generation for prejudgment interest).

The court will also treat the application as a contested matter under FRBP 9014 in light of opposition of creditor Second Generation, Inc. and set an evidentiary hearing on the application to resolve factual issues of reasonableness of the fees claimed by applicant. Parties to address scheduling of the evidentiary hearing, and whether discovery is needed. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Movant(s):

Philip Kaufler

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#11.00 Cont'd hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503 fr. 4/28/21, 5/26/21

Docket 563

***** VACATED *** REASON: Cont'd from 6/9/21 to 6/30/21 at 2:00 p.m.
per order entered on 6/1/21-mb**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 6/30/21 at 2:00 p.m. by prior order. No appearances are required on 6/9/21.

Prior tentative ruling as of 5/24/21. The court has received the unredacted billing entries submitted in camera to the court as requested at the prior hearing, which the court has reviewed. However, debtor filed on 5/19/21 a declaration in opposition to the motion, which is an untimely opposition to the motion. Certain creditors filed on 5/21/21 a motion to continue the hearing on the application, and other creditors filed a joinder to the motion to continue. The court is inclined to grant the motion to continue the hearing though not primarily due to the late filing of the debtor's opposition and of the creditors' motion to continue pursuant to Local Bankruptcy Rule 9013-1. Debtor has not stated a good reason to excuse her late filing, and creditors have not stated a good reason for their late motion to continue as they did not timely oppose the application before the initial hearing on the application or before the continued hearing on the motion. Their reason that the unredacted billing entries had not been filed is not a good reason for continuance as the court allowed applicant to submit the unredacted billing entries in camera as there was no objection to this at the initial hearing on the application. The court should continue the hearing primarily because it has concerns about the allowability of fees for objecting to the disclosure statement which was really to protect its own interests as opposed to the general interests of creditors and the estate, but the court is inclined to allow the fees for intervening and opposing the adversary proceeding brought by debtor's spouse regarding the

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Chapter 11

transfer of the residence on behalf of creditors and the estate, and since the court has these concerns, it may as well allow other parties to be heard on these concerns.

The creditors moving for continuance object to the fees of applicant in part because such fees are duplicative of fees for work performed by general bankruptcy counsel for debtor in possession, and this is also a reason for the court to continue the hearing because it has to also look at the fee application of general bankruptcy counsel for debtor in possession to evaluate whether there is such duplication. It makes sense in the court's view to continue the hearings on all professional fee applications to consider their interrelationships and to evaluate whether the fees are for services that are reasonable and beneficial to creditors and the estate.

In evaluating whether the unredacted billing statements of applicant should be filed as part of the public record or perhaps filed under seal with a protective order, it seemed to the court that the redactions were made to protect the confidentiality of communications with its client representative or the references to applicant's strategy pertaining to ongoing litigation. If such disclosure must be made, it may be required to be under seal with a protective order.

As to the pending motion to continue, the court will not rule on it before the hearing on 5/26/21, so the parties in interest could be heard on the motion, and the court and the parties can discuss scheduling of further proceedings.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing

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Wednesday, June 9, 2021

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Chapter 11

entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them.

Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 10, 2021

Hearing Room 1675

10:30 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614109523>

ZoomGov meeting number: 161 410 9523

Password: 686823

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Chapter

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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**United States Bankruptcy Court
Central District of California
Los Angeles
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Thursday, June 10, 2021

Hearing Room 1675

10:30 AM

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

#1.00 Cont'd hearing re: Second motion for attorney's fees and costs
fr. 5/27/21

Docket 221

***** VACATED *** REASON: Cont'd from 6/10/21 to 7/15/21 at 10:30 a.m.
per order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 7/15/21 at 10:30 a.m. by prior order. No appearances are required on 6/10/21.

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
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Thursday, June 10, 2021

Hearing Room 1675

10:30 AM

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

#2.00 CLOSING ARGUMENTS FOR TRIAL BY ZOOM: 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. 1/28/21, 2/18/21, 2/19/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/10/21 to 6/24/21 at 10:30 a.m.
per order entered on 4/30/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 7/29/21 at 10:30 a.m. by prior orders. No appearances are required on 6/24/21.

The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 1/28/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

Debtor(s):

People Who Care Youth Center, Inc.

Represented By
John-Patrick M Fritz

**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Thursday, June 10, 2021

Hearing Room 1675

10:30 AM

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
Courtroom 1675 Calendar**

Tuesday, June 15, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606134834>

ZoomGov meeting number: 160 613 4834

Password: 239337

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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Tuesday, June 15, 2021

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10:30 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, June 15, 2021

Hearing Room 1675

10:30 AM

2:20-20744 Garen Oganisyan

Chapter 7

#1.00 Hearing re: Motion for relief from stay
(Alesia Aleksandrova VS Debtor)

Docket 19

Tentative Ruling:

Grant motion for relief from stay pursuant to 11 U.S.C. 362(d)(1) to pursue non-bankruptcy remedies and request for mandatory abstention pursuant to 28 U.S.C. 1334(c)(2) for the reasons stated in the moving papers, but sustain in part and overrule in part debtor's limited opposition to the motion. Sustain debtor's opposition in part as to movant's request that the stay relief order is binding and effective in any bankruptcy case commenced by the debtor for a period of 180 days and that no further automatic stay shall arise in that case as to the nonbankruptcy action and that the stay relief order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice, for lack of legal and/or evidentiary support. In re Van Ness, 399 B.R. 897 (Bankr. E.D. Cal. 2007). Overrule debtor's limited opposition in part as to his request that stay relief be conditioned on movant withdrawing her request for entry of default in the state court action or not opposing any motion of debtor to set aside default as the matter of setting aside default should be decided in the first instance by the state court in the state court action in which default was entered. The 14-day waiting period under FRBP 4001(a)(3) is waived. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Garen Oganisyan

Represented By
Sevan Gorginian

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 15, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#2.00 Cont'd order to show cause why Jin Suk Suh d/b/a S K Accountax Service should not be held in contempt for failure to produce documents fr. 4/27/21

Docket 96

***** VACATED *** REASON: Cont'd from 6/15/21 to 12/14/21 at 11:00 a.m. per stip & order entered on 6/8/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 12/14/21 at 11:00 a.m. No appearances are required on 6/15/21.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, June 15, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#3.00 Cont'd order to show cause why Man Sik Kim should not be held in contempt for failure to produce documents fr. 4/27/21

Docket 97

***** VACATED *** REASON: Cont'd from 6/15/21 to 12/14/21 at 11:00 a.m. per stip & order entered on 6/8/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 12/14/21 at 11:00 a.m. No appearances are required on 6/15/21.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, June 15, 2021

Hearing Room 1675

11:00 AM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#4.00 Cont'd order to show cause why Eui Joon Park should not be held in contempt for failing to produce documents fr. 1/19/21, 3/16/21, 5/4/21

Docket 36

***** VACATED *** REASON: Cont'd from 6/15/21 to 12/14/21 at 11:00 a.m. per stip & order entered on 6/8/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 12/14/21 at 11:00 a.m. No appearances are required on 6/15/21.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Represented By
Anthony Obehi Egbase

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By
Sonia Singh
Zev Shechtman
Michael G D'Alba

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01471 Avery v. Los Angeles County Tax Collector

#5.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers
fr. 9/15/20, 11/17/20, 2/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/15/21 to 7/27/21 at 1:30 p.m.
per stip & order entered on 3/30/21-mb**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 7/27/21 at 1:30 p.m. No appearances are required on 6/15/21.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The parties should address whether the court should refer this matter to the court's mediation program as the parties differ on whether mediation should be ordered. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Los Angeles County Tax Collector

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack
D Edward Hays

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT...

Kody Branch of California, Inc.

David Wood

Chapter 7

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#6.00 Hearing re: Motion to deem facts admitted, for dismissal of debtor's bankruptcy action and for monetary sanctions pursuant to Federal Rules of Bankruptcy Procedure §7037 Federal Rules of Civil Procedure §37(b)(2)(A) and Local Bankruptcy Rule 9011-3

Docket 30

***** VACATED *** REASON: Cont'd from 6/15/21 to 7/13/21 at 1:30 p.m.per order entered on 6/9/21-mb.**

Tentative Ruling:

Off calendar. The hearing on the motion is continued by the court by prior order to 7/13/21 at 1:30 p.m. No appearances are required on 6/15/21.

Party Information

Debtor(s):

Alfred Lee Stringer

Represented By
Marc A Goldbach

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

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, June 15, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

#7.00 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. 2/2/21, 4/6/21, 4/27/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/15/21 to 7/13/21 at 1:30 p.m.per order entered on 6/9/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. The hearing on the motion is continued by the court by prior order to 7/13/21 at 1:30 p.m. No appearances are required on 6/15/21.

Prior tentative ruling as of 4/21/21. The parties should discuss the status of defendant's responses to plaintiffs' outstanding discovery requests, and the court will hear argument on plaintiffs' discovery dispute motion and will discuss scheduling of further litigation proceedings, including rescheduling the pretrial conference. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/5/21. The court has reviewed plaintiffs' unilateral status report and plaintiffs' draft discovery dispute stipulation. No tentative ruling on the merits. The parties should discuss the status of their meet and confer efforts regarding plaintiffs' discovery requests and plaintiffs' anticipated discovery dispute motion. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

Party Information

Debtor(s):

Alfred Lee Stringer Pro Se

Defendant(s):

Alfred Lee Stringer Pro Se

Plaintiff(s):

Mylaunna Lee Represented By
Albert L Chaney III

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, June 15, 2021

Hearing Room 1675

1:30 PM

2:20-15742 Sara Victoria

Chapter 7

Adv#: 2:20-01632 Adam, DC et al v. Victoria

#8.00 Cont'd status conference re: Complaint for determination of nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4), and 523(a)(6) fr. 12/1/20

Docket 1

***** VACATED *** REASON: Cont'd from 6/15/21 to 9/28/21 at 1:30 p.m.
per stip & order entered on 5/5/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 9/28/21 at 1:30 p.m. No appearances are required on 6/15/21.

Prior tentative ruling. The court notes that in the adversary complaint plaintiffs demanded a jury trial, but there is no jury trial right for the claims under 11 U.S.C. 523(a)(2), (4) and (6) in this adversary proceeding since the debt dischargeability claims are equitable in nature. In re Hashemi, 104 F.3d 1122, 1124-1125 and n. 1 (9th Cir. 1997). The court also notes that the underlying alleged debts have not been liquidated yet, though plaintiffs have a pending action in state court, asserting state law tort claims against defendant, which action is now stayed due to the automatic stay arising from this bankruptcy case. Although the determination of claims, whether the alleged debts of defendant are dischargeable, is equitable, the determination of the existence of the alleged debts may be legal in nature since the alleged debts would arise in tort under state law, and it is an open question on that issue, and there may be a right to a jury trial. Id. at 1125 and n. 1. The issue of whether a partial right to jury trial exists here would have to be briefed. If there is a right to jury trial in part in this case, this bankruptcy court can hold a civil jury trial with the consent of the parties, or the parties could waive jury trial if there is such a right. Alternatively, the court could permissively abstain under 28 U.S.C. 1334(c)(1) and grant stay relief to allow the state court to determine the alleged debts under state law with or without the assistance of a civil jury, and stay this adversary proceeding until the state court determines the underlying debts, and then determine debt dischargeability afterwards. See In re Oroojian, Adv. No. 2:20-ap-01020 RK, 2020 WL 2201939 (Bankr. C.D. Cal., May 5, 2020); see also, In re Eber, 687 F.3d 1123, 1128 and n. 5 (9th

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT... Sara Victoria

Chapter 7

Cir. 2012) (bankruptcy court has exclusive jurisdiction over debt dischargeability claims under 11 U.S.C. 523(a)(2), (4) and (6), citing 11 U.S.C. 523(c)).

Assuming that the court adopts its tentative ruling on defendant's motion to dismiss also on calendar on 12/1/20 and denies the motion, and the court does not abstain from determining the merits of the underlying alleged debts as discussed above, set a discovery cutoff date of 5/31/20 and a postdiscovery status conference on 6/15/21 at 1:30 p.m. with a joint status report due on 6/8/21. Plaintiffs to lodge a proposed scheduling order within 7 days of hearing.

Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone. With the consent of the parties, the court can advance the hearing on defendant's motion to dismiss on the 2:30 p.m. hearing calendar to be conducted with the status conference.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT... Sara Victoria

Chapter 7

call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Party Information

Debtor(s):

Sara Victoria

Represented By
Freddie V Vega

Defendant(s):

Sara Victoria

Pro Se

Plaintiff(s):

Scott Adam, DC

Represented By
Aisha Shelton Adam
Kerry A. Moynihan

Adam Chiropractic and Wellness

Represented By
Aisha Shelton Adam
Kerry A. Moynihan

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 15, 2021

Hearing Room 1675

1:30 PM

2:20-16259 Coby J. Hollier

Chapter 7

Adv#: 2:20-01646 Strategic Funding Source, Inc.d/b/a Kapitus v. Hollier

#9.00 Cont'd status conference re: Complaint to determine nondischargeability of debt pursuant to 11 U.S.C. §§523(a)(2)(a)(4) and (a)(6) fr. 12/15/20, 2/16/21, 4/13/21

Docket 1

***** VACATED *** REASON: Amended Default Judgment entered on 5/10/2021-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. The status conference is moot because default judgment was entered on 5/10/21. No appearances are required on 6/15/21.

Updated tentative ruling as of 4/9/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that it had filed a motion for default judgment. Due to the pendency of the motion for default judgment, the court on its own motion continues the status conference to 6/15/21 at 1:30 p.m. No appearances are required on 4/13/21.

Party Information

Debtor(s):

Coby J. Hollier

Represented By
Keith Q Nguyen

Defendant(s):

Coby J. Hollier

Pro Se

Plaintiff(s):

Strategic Funding Source, Inc.d/b/a

Represented By
Brian T Harvey

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, June 15, 2021

Hearing Room 1675

1:30 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#9.10 Cont'd status conference re: Complaint for 1. declaratory relief; 2. Violation of discharge fr. 12/15/20, 4/13/21, 6/8/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/15/21 to 8/17/21 at 1:30 p.m.
per stip & order entered on 6/3/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/14/21. Off calendar. Continued by stipulation and order to 8/17/21 at 1:30 p.m. No appearances are required on 6/15/21.

Prior tentative ruling. The court has reviewed the joint status report and notes that the parties do not agree as to dates for a schedule of pretrial proceedings and whether the matter should be ordered to mediation. No tentative ruling on the merits. Appearances are required on 6/9/20 to discuss scheduling and possible referral to mediation, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is currently closed to the public by orders of the United States District Court for the Central District of California and this court and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted on the court's website.

Party Information

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron

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

Tuesday, June 15, 2021

Hearing Room 1675

1:30 PM

CONT... Shany Benmoshe

Chapter 7

Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

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 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#10.00 Hearing re: Debtor's motion for an order (1) authorizing and directing the distribution of estate funds to creditors, (2) dismissing the debtor's chapter 11 bankruptcy case, and (3) providing related relief

Docket 565

Tentative Ruling:

Grant motion of debtor for order authorizing and directing distribution of estate funds to creditors, for dismissal of the case and related relief for the reasons stated in the moving papers and for lack of timely written opposition. Cause is shown for dismissal under 11 U.S.C. 1112(b) that substantially all of the assets of the estate have been sold, that most of the sales proceeds were paid to senior secured creditors based on their liens encumbering most of the estate's assets, that the case is administratively insolvent and the estate is only able to generate a partial dividend to administrative expense creditors, that outstanding adversary proceedings and contested matters in the case have been resolved and that there is no benefit to creditors of further estate administration of the estate at this time, and that having determined that cause is shown for dismissal under 11 U.S.C. 1112(b), dismissal is shown to be in the best interests of the estate and creditors as opposed to conversion to Chapter 7 or appointment of a Chapter 11 trustee as these other alternatives would entail additional costs to the estate, reducing the distribution to creditors without further benefit to them in terms of realizing value for them. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 15, 2021

Hearing Room 1675

2:30 PM

CONT...

Zacky & Sons Poultry, LLC

Riley C. Walter

Chapter 11

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

Tuesday, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#11.00 Hearing re: Motion for an order reclassifying alleged secured and administrative claim of Ohi Company, Inc. [POC 262]

Docket 554

Tentative Ruling:

Grant debtor's motion to reclassify claim of Ohi Co., Inc., for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 9013-1(f) and (h) and reclassify claim as a general unsecured claim. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#12.00 Hearing re: Motion for an order disallowing or, alternatively, reclassifying alleged secured claim of Wells Fargo Bank, N.A. [POC 252]

Docket 546

Tentative Ruling:

Grant debtor's motion for order disallowing, or alternatively, reclassifying claim of Wells Fargo Bank, N.A., for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 3007-1(b)(4) and (6) and 9013-1(f) and (h) and disallow the claim in its entirety. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#13.00 Hearing re: Motion for an order disallowing or, alternatively, reclassifying alleged secured claim of Bankdirect Capital Finance [POC 10]

Docket 547

Tentative Ruling:

Grant debtor's motion for order disallowing, or alternatively, reclassifying claim of Bank Direct Capital Finance for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 3007-1(b)(4) and (6) and 9013-1(f) and (h) and disallow the claim in its entirety. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#14.00 Hearing re: Motion for an order disallowing or, alternatively, reclassifying alleged secured claim of Alpha Inc. [POC 7]

Docket 548

Tentative Ruling:

Grant debtor's motion for order disallowing, or alternatively, reclassifying claim of Alpha, Inc., for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 3007-1(b)(4) and (6) and 9013-1(f) and (h) and reclassify the claim as a general unsecured claim. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#15.00 Hearing re: Motion for an order disallowing or, alternatively, reclassifying alleged secured claim of Fresno County Tax Collector [POC 313]

Docket 549

Tentative Ruling:

Grant debtor's motion for order disallowing, or alternatively, reclassifying claim of Fresno County Tax Collector for the reasons stated in the moving papers and for lack of timely written opposition pursuant to LBR 3007-1(b)(4) and (6) and 9013-1(f) and (h) and disallow the claim in its entirety. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#16.00 Hearing re: Third and final application of Prospera Law, LLP (fka LKP Global Law, LLP), special employment and labor counsel to the debtor, for approval of fees and reimbursement of expenses

Docket 561

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the third and final fee application of special employment and labor counsel to the debtor in possession, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 6/15/21. Applicant or debtor to lodge 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**

Tuesday, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#17.00 Hearing re: Third and final application of Levene, Neale, Bender, Yoo & Brill L.L.P. for approval of fees and reimbursement of expenses

Docket 568

Tentative Ruling:

The court is inclined to approve the third and final fee application of general bankruptcy counsel for the debtor in possession for the reasons stated in the final fee application and for lack of timely written opposition. However, no tentative ruling on the fees and expenses of \$16,830.75 for the time period of 5/25/21 to 6/11/21 and estimated fees and expenses of \$6,200.00 from 6/12/21 to the date of final distribution of estate assets as requested in the supplemental counsel declaration filed on 6/11/21 as there has not been an opportunity for interested parties to be heard on such claimed fees and expenses. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#18.00 Hearing re: First and final application of Glassratner Advisory & Capital Group, LLC dba B. Riley Advisory Services, Financial Advisor to the debtor, for approval of fees and reimbursement of expenses

Docket 562

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the first and final fee application of financial advisor to the debtor in possession and supplemental declaration filed on 6/11/21, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application and supplemental declaration on the papers, and approves the final fee application and request for \$425 in additional fees requested in the supplemental declaration for the reasons stated in the final fee application and supplemental declaration and for lack of timely written opposition. No appearances are required on 6/15/21. Applicant or debtor to lodge 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**

Tuesday, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#19.00 Hearing re: Third and final application for allowance of fees and costs filed by Brown Rudnick LLP [November 1, 2019 to April 30, 2021] and renewal of first interim application for allowance of fees and costs filed by Brown Rudnick LLP [December 7, 2018 to June 21, 2019] and second interim application for allowance of fees and costs filed by Brown Rudnick LLP [June 22, 2019 to October 31, 2019]

Docket 556

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the third and final fee application of counsel to the official committee of unsecured creditors, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 6/15/21. Applicant to lodge 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**

Tuesday, June 15, 2021

Hearing Room 1675

2:30 PM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#20.00 Cont'd status conference re: Management of chapter 11 case
fr. 12/9/20, 4/21/21, 5/26/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 16, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1600706939>

ZoomGov meeting number: 160 070 6939

Password: 610537

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Wednesday, June 16, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, June 16, 2021

Hearing Room 1675

11:00 AM

2:18-21789 Samuel Marquez

Chapter 11

#1.00 Cont'd hearing re: Motion to dismiss or convert case
fr. 3/10/21, 3/17/21

Docket 142

Tentative Ruling:

Updated tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/15/21. No updated tentative ruling on the merits. Appearances are required on 3/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/10/21. This matter is continued to 3/17/21 at 11:00 a.m.

Prior tentative ruling as of 3/8/21. The court will treat the motion of the United States to dismiss or convert case as a contested matter under FRBP 9014 and set a schedule of pretrial and trial proceedings since the grounds of the motion based on plan infeasibility presents disputed issues of material fact that must be resolved by evidentiary hearing. Since this case is now 2 1/2 years, the court will require debtor to file a disclosure statement and plan and proceed with plan confirmation while litigating the merits of his objection to the tax claims of the IRS at the same time. The court suggests that a trial on plan confirmation and the merits of the objection to the tax claims be scheduled for July 2021. Debtor will need to file a plan and disclosure statement by April 2021. Appearances are required on 3/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Wednesday, June 16, 2021

Hearing Room 1675

11:00 AM

CONT... Samuel Marquez

Chapter 11

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 16, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#1.10 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 3/17/21, 4/7/21, 6/9/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/4/21. Off calendar. The court on its own motion continues the status conference to 6/16/21 at 11:00 a.m. by order entered on 6/4/21. No appearances are required on 6/9/21.

Prior tentative ruling. The court notes that debtor through counsel failed to serve a judge's copy of the Subchapter V plan of reorganization (Docket No. 52), consisting of 59 pages, in violation of LBR 5005-2(d) as the proof of service of the application states that no service of the required judge's copy per General Order 20-02, which statement is erroneous because the general order does not except the plan from the service requirement of LBR 5005-2(d). The pandemic exception temporarily suspending the requirement of service of a judge's copy under General Order 20-02 and Amended General Order 20-06 applies only to documents 25 pages in length or less and does not apply to the plan document which is 59 pages in length. In lieu of sanctions for the violation of LBR 5005-2(d) and the misinterpretation of the court's general order, the court will order counsel for debtor to serve a judge's copy of the plan document and file a declaration under penalty of perjury that he has read LBR 5005-2(d), General Order 20-02 and Amended General Order 20-06, that he has instructed his staff to read these legal authorities and that he and his staff will comply with the court's service requirements pursuant to these authorities in the future.

Debtor must be prepared to discuss and commit to a reasonable timetable for plan confirmation proceedings and hearing. Appearances are required on

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

Wednesday, June 16, 2021

Hearing Room 1675

11:00 AM

CONT... Seung Hyeon Pak

Chapter 11

4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

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

Wednesday, June 16, 2021

Hearing Room 1675

11:30 AM

2:18-21789 Samuel Marquez

Chapter 11

#2.00 Cont'd technical pretrial conference re: Objection to claim no.1 filed by the Internal Revenue Service
fr. 2/17/21, 2/17/21, 4/13/21

Docket 39

***** VACATED *** REASON: Per stip & order entered on 5/4/21-mb.**

Tentative Ruling:

Off calendar. The technical pretrial conference was vacated by stipulation and order entered on 5/4/21. 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, June 16, 2021

Hearing Room 1675

11:30 AM

2:18-21789 Samuel Marquez

Chapter 11

#3.00 Cont'd status conference re: Management of chapter 11 case
fr. 1/13/21, 2/17/21, 4/13/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 16, 2021

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.

#4.00 Hearing re: Plan agent's motion for reconsideration of the court's May 5, 2021 order regarding the motion for leave to amend the sixth amended complaint

Docket 982

Tentative Ruling:

No tentative ruling as of 6/14/21. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

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**

Wednesday, June 16, 2021

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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Wednesday, June 16, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Wednesday, June 16, 2021

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.

#5.00 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. 3/30/21, 4/7/21, 5/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Wednesday, June 16, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

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**

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM
CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#1.00 TRIAL 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. 4/6/21, 4/21/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Does 1 Through 100 Inclusive

Pro Se

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

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM

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**

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#2.00 TRIAL 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. 4/6/21, 4/21/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd 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. 5/5/21, 5/18/21, 6/1/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 5/5/21, 5/18/21, 6/1/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 5/5/21, 5/18/21, 6/1/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 5/5/21, 5/18/21, 6/1/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 5/5/21, 5/18/21, 6/1/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 Cont'd hearing re: Motion to abstain
fr. 5/5/21, 5/18/21, 6/1/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 5/5/21, 5/18/21, 6/1/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 17, 2021

Hearing Room 1675

9:00 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, June 17, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd 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 fr. 5/5/21, 5/18/21, 6/1/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, June 17, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#1.00 CONT'D TRIAL 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. 4/21/21, 5/5/21, 6/17/21

Docket 1

*** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#2.00 CONT'D TRIAL 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. 4/21/21, 5/5/21, 6/17/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.**

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd hearing re: Motion of plaintiff/creditor James Lee Clark for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris fr. 5/18/21, 6/1/21, 6/17/21

Docket 351

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 362

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 5/18/21, 6/1/21, 6/17/21

Docket 399

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.**

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 5/18/21, 6/1/21, 6/17/21

Docket 377

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-mb.**

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd hearing re: Motion to abstain
fr. 5/18/21, 6/1/21, 6/17/21

Docket 414

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 412

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 397

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd 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
fr. 5/18/21, 6/1/21, 6/17/21

Docket 390

***** VACATED *** REASON: Cont'd from 6/18/21 to 6/21/21 at 9:00 a.m.-
mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/9/21. No tentative ruling on the merits. Appearances are required on 6/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Friday, June 18, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#1.00 CONT'D TRIAL 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. 4/21/21, 5/5/21, 6/17/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#2.00 CONT'D TRIAL 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. 4/21/21, 5/5/21, 6/17/21

Docket 1

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Monday, June 21, 2021

Hearing Room 1675

9:00 AM

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
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Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd 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. 5/18/21, 6/1/21, 6/17/21

Docket 397

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

Defendant(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

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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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 362

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 5/18/21, 6/1/21, 6/17/21

Docket 399

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 412

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 5/18/21, 6/1/21, 6/17/21

Docket 377

Courtroom Deputy:

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 Cont'd hearing re: Motion to abstain
fr. 5/18/21, 6/1/21, 6/17/21

Docket 414

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 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. 5/18/21, 6/1/21, 6/17/21

Docket 351

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd 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 fr. 5/18/21, 6/1/21, 6/17/21

Docket 390

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/21/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

Defendant(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

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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**

Monday, June 21, 2021

Hearing Room 1675

9:00 AM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, June 22, 2021

Hearing Room 1675

10:30 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Video/audio web address: <https://cacb.zoomgov.com/j/1610107292>

ZoomGov meeting number: 161 010 7292

Password: 011204

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, June 22, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, June 22, 2021

Hearing Room 1675

2:00 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#1.00 Hearing re: Plaintiffs Swing House Rehearsal and Recording, Inc.'s and Jonathan Mover's motion to bifurcate trial

Docket 63

Tentative Ruling:

Updated tentative ruling as of 6/18/21. The court is inclined to deny the motions for bifurcate the trial as plaintiffs have not met their burden of showing that bifurcation would promote judicial economy and avoid inconvenience or prejudice to the parties. Federal Rule of Civil Procedure 42(b); Spectra–Physics Lasers, Inc. v. Uniphase Corp., 144 F.R.D. 99, 101 (N.D.Cal.1992) (citations omitted). Plaintiffs make their motion very late in of pretrial proceedings as the matters have been pretried with the court approving the joint pretrial statements, and trial dates have already been set. It appears that bifurcation will disturb the trial schedule and defendant's trial preparations, and plaintiffs do not satisfactorily address defendant's objections about when and how the court would make its rulings in a bifurcated trial and schedule the second phase of the trial if the court has not made its ruling on the first phase or if the ruling on the first phase is not in their favor, and the second phase is needed. Plaintiffs' assertions of judicial economy are unspecific on how much court and trial preparation time and resources would be conserved if the trial were bifurcated (i.e., plaintiffs provide no details on how long it would take to try a bifurcated case and when the two trial phases would be scheduled). If bifurcation alters the trial schedule, this would be prejudicial to defendant as these adversary proceeding have been pending for a long time, over 2½ years, and need to be resolved without further delay, and bifurcation could result in inconvenience and prejudice to defendant in having to prepare for trial twice and calling witnesses twice. The court is absolutely disinclined to order bifurcation if this means alteration of the trial schedule as the court expects that trial will be completed in the four days scheduled on the court's hearing calendar.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 22, 2021

Hearing Room 1675

2:00 PM

CONT... Philip Joseph Jaurigui

Chapter 7

Appearances are required on 6/22/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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
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Tuesday, June 22, 2021

Hearing Room 1675

2:00 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#2.00 Cont'd pretrial 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. 3/16/21, 4/13/21, 5/4/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/22/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 22, 2021

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2:00 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 22, 2021

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2:00 PM

CONT... Philip Joseph Jaurigui Chapter 7

judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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 22, 2021

Hearing Room 1675

2:00 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#3.00 Hearing re: Plaintiffs Swing House Rehearsal and Recording, Inc.'s and Jonathan Mover's motion to bifurcate trial

Docket 62

Tentative Ruling:

Updated tentative ruling as of 6/18/21. The court is inclined to deny the motions for bifurcate the trial as plaintiffs have not met their burden of showing that bifurcation would promote judicial economy and avoid inconvenience or prejudice to the parties. Federal Rule of Civil Procedure 42(b); Spectra–Physics Lasers, Inc. v. Uniphase Corp., 144 F.R.D. 99, 101 (N.D.Cal.1992) (citations omitted). Plaintiffs make their motion very late in of pretrial proceedings as the matters have been pretried with the court approving the joint pretrial statements, and trial dates have already been set. It appears that bifurcation will disturb the trial schedule and defendant's trial preparations, and plaintiffs do not satisfactorily address defendant's objections about when and how the court would make its rulings in a bifurcated trial and schedule the second phase of the trial if the court has not made its ruling on the first phase or if the ruling on the first phase is not in their favor, and the second phase is needed. Plaintiffs' assertions of judicial economy are unspecific on how much court and trial preparation time and resources would be conserved if the trial were bifurcated (i.e., plaintiffs provide no details on how long it would take to try a bifurcated case and when the two trial phases would be scheduled). If bifurcation alters the trial schedule, this would be prejudicial to defendant as these adversary proceeding have been pending for a long time, over 2½ years, and need to be resolved without further delay, and bifurcation could result in inconvenience and prejudice to defendant in having to prepare for trial twice and calling witnesses twice. The court is absolutely disinclined to order bifurcation if this means alteration of the trial schedule as the court expects that trial will be completed in the four days scheduled on the court's hearing calendar.

Appearances are required on 6/22/21, but counsel and self-represented

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

Tuesday, June 22, 2021

Hearing Room 1675

2:00 PM

CONT... Philip Joseph Jaurigui Chapter 7
parties must appear through Zoom for Government in accordance with the
court's remote appearance instructions.

Party Information

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 22, 2021

Hearing Room 1675

2:00 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#4.00 Cont'd pretrial 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. 3/16/21, 4/13/21, 5/4/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/17/21. No tentative ruling on the merits. Appearances are required on 6/22/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to

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Hearing Room 1675

2:00 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 22, 2021

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2:00 PM

CONT...

Philip Joseph Jaurigui

Chapter 7

judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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 22, 2021

Hearing Room 1675

2:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#5.00 Hearing re: Plaintiff's amended motion for default judgment under LBR 7055-1

Docket 21

Tentative Ruling:

Updated tentative ruling as of 6/18/21. Grant plaintiffs' amended motion for default judgment on their claims under 11 U.S.C. 523(a)(2)(A) and (6) pursuant to Federal Rule of Civil Procedure 55, Federal Rule of Bankruptcy Procedure 7055 and Local Bankruptcy Rule 7055-1 for the reasons stated in the moving papers and for lack of timely written opposition. The moving papers, notably, the complaint and the declaration of Arian Eghbali demonstrate that defendant made false oral representations that he would repay \$90,000 lent to him by plaintiffs as evidenced by Mr. Eghbali's declaration and copies of the postdated checks given to plaintiffs evidencing a false intent to repay the loan as such checks were returned as NSF, and such evidence demonstrates fraud to support their claims of false misrepresentation and willful and malicious injury under 11 U.S.C. 523(a)(2)(A) and (6) against defendant. The amount of the debt has been liquidated in a prior state court lawsuit by plaintiffs against defendant resulting in a default judgment, which is entitled to res judicata or claim preclusion effect, that is, such debt owed by defendant to plaintiffs would be determined to be nondischargeable pursuant to 11 U.S.C. 523(a)(2)(A) and (6). Plaintiffs are entitled to an award of interest on the state court judgment at the state law rate, and it appears that the computation of post-judgment interest in Mr. Eghbali's declaration is correct. Plaintiffs claim an award of attorneys' fees and costs of \$6,337.75 pursuant to Local Bankruptcy Rule 7055-1 based on Mr. Eghbali's declaration and counsel's computations and representations in her points and authorities and the contract between the parties for an award of attorneys' fees to plaintiffs as the prevailing parties as part of the loan transaction as reflected in the promissory note signed by defendant on April 29, 2018. Plaintiffs' computation of the attorneys' fees pursuant to Local Bankruptcy Rule 7055-1(d) is \$6,063.00, but the court's computation is \$6,120.48 for damages based on the liability of \$126,023.76 from the state court judgment (\$5,600.00, plus 2% over \$100,000, plus \$520.48 (\$26,023.76

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

Tuesday, June 22, 2021

Hearing Room 1675

2:30 PM

CONT... Fereidoun Chaparli

Chapter 7

x .02). Plaintiffs do not explain the basis of their claim for costs in their computation of \$6,337.75. Plaintiffs will need to explain their computations of attorneys' fees and costs under Local Bankruptcy Rule 7055-1.

Plaintiffs are to lodge a proposed order granting the motion and a proposed form of default judgment. However, because the motion does not resolve all of plaintiffs' claims as the claims under 11 U.S.C. 727 is not yet resolved, the default judgment would not be a final judgment until that remaining claim is resolved pursuant Federal Rule of Civil Procedure 54 and Federal Rule of Bankruptcy Procedure 7054. Plaintiffs in their moving papers have indicated their intent to move for dismissal of their claim under 11 U.S.C. 727 if the court grants the motion. Appearances are required on 6/22/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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 22, 2021

Hearing Room 1675

2:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#6.00 Cont'd hearing re: Plaintiff's motion for default judgment under LBR 7055-1
fr. 3/30/21, 6/1/21

Docket 15

Tentative Ruling:

Updated tentative ruling as of 6/18/21. See tentative ruling for matter number 5 since plaintiffs' amended motion for default judgment supersedes their original motion.

Prior tentative ruling as of 5/28/21. Off calendar. The court on its own motion continues the hearing to the date and time of the noticed hearing on plaintiff's amended motion for default judgment on 6/22/21 at 2:30 p.m. No appearances are required on 6/1/21.

Prior tentative ruling. Although the complaint alleges claims under 11 U.S.C. 523 and 727, the motion does not identify which claims are the ones which plaintiffs seek default judgment on. It appears to the court that plaintiffs are seeking default judgment on their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6), but they do not show how each of the elements of claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) are satisfied on this record. Presumably, plaintiffs are basing their claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) based on fraudulent misrepresentation, but the fraudulent misrepresentation had to induce plaintiffs to suffer damages, such as when they made the loan of \$90,000 to defendant, not afterwards, when the money had already passed to defendant. The misrepresentations made after plaintiffs parted with the loan money may show that the initial representation to induce the loan was fraudulent, but these subsequent misrepresentations are not actionable by themselves since they did not induce plaintiffs to part with the money to incur damages. The evidence in support of the motion is skimpy on the circumstances of the loan as it is unclear which entity made the loan, either plaintiff Eghbali or plaintiff Enrich Financial, Inc., or both, which entity borrowed the money, defendant, or one or more of his entities, whether the loan was oral or in writing and the misrepresentations by defendant to induce

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 22, 2021

Hearing Room 1675

2:30 PM

CONT...

Fereidoun Chaparli

Chapter 7

the loan. It needs to be made clear which entity is the proper party plaintiff to establish standing as the evidence is unclear as the NSF checks were written first to Enrich Financial and then to Mr. Eghbali, but the written promise to repay and promissory note is written out to Mr. Eghbali. It appears that plaintiffs liquidated the amount of the debt owed by defendant by obtaining the state court default judgment and that they rely upon res judicata to establish the amount of the debt. Since apparently the amount of the debt was previously liquidated in the state court action, this court is not determining the amount of the debt, but only determining whether the debt is nondischargeable. Plaintiffs' complaint alleges claims under 11 U.S.C. 727, but these claims are not addressed in the motion, presumably because if plaintiffs prevail on their claims under 11 U.S.C. 523, they will seek to move to dismiss their claims under 11 U.S.C. 727 pursuant to FRBP 7041 with notice to the Chapter 7 trustee and the United States trustee. Plaintiffs will need to address these issues before the court can rule on the motion. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Counsel should appear promptly at 2:30 p.m. to be called first or second on the calendar as there is another matter on calendar which will require extensive argument, and there may be a substantial wait if this matter is put on second call if counsel does not appear on time.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Movant(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By

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

Tuesday, June 22, 2021

Hearing Room 1675

2:30 PM

CONT... Fereidoun Chaparli

Chapter 7

Sanaz Sarah Bereliani

Plaintiff(s):

Arian Eghbali

Represented By

Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By

Sanaz Sarah Bereliani

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, June 23, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1603153665>

ZoomGov meeting number: 160 315 3665

Password: 311762

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, June 23, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Thursday, June 24, 2021

Hearing Room 1675

10:30 AM

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

#1.00 CONT'D CLOSING ARGUMENTS FOR TRIAL BY ZOOM: 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. 2/18/21, 2/19/21, 6/10/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/24/21 to 7/29/21 at 10:30 a.m.
per order entered on 5/19/21-mb.**

Courtroom Deputy:

[Cont'd from 6/24/21 to 7/29/21 at 10:30 a.m. per order entered on 5/19/21]

Tentative Ruling:

Updated tentative ruling as of 6/4/21. Off calendar. Continued to 7/29/21 at 10:30 a.m. by prior orders. No appearances are required on 6/24/21.

The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 1/28/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

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

Thursday, June 24, 2021

Hearing Room 1675

10:30 AM

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, June 29, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606048817>

ZoomGov meeting number: 160 604 8817

Password: 436426

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

**United States Bankruptcy Court
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Judge Robert Kwan, Presiding
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Tuesday, June 29, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, June 29, 2021

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
(Wells Fargo Bank, N.A. VS Debtors)

Docket 297

***** VACATED *** REASON: Cont'd from 6/29/21 to 7/27/21 at 10:30 a.m.
per stip & order entered on 6/8/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/25/21. Off calendar. Continued by stipulation and order to 7/27/21 at 10:30 a.m. No appearances are required on 6/29/21.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Tuesday, June 29, 2021

Hearing Room 1675

10:30 AM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#2.00 Hearing re: Motion for relief from stay
(Thomas Dahlen and Marvin Scheidt VS Debtor)

Docket 575

Tentative Ruling:

Deny the stay relief motion as moot because the stay terminated pursuant to 11 U.S.C. 362(c)(2)(B) when the case was dismissed by order entered on 6/23/21. Appearances are optional on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, June 29, 2021

Hearing Room 1675

1:30 PM

2:14-29611 Nikolay Machevsky

Chapter 7

Adv#: 2:21-01070 Avery v. Parenago

#3.00 Status conference re: Complaint for (1) avoidance of post petition transfer; (2) recovery of avoided transfer; (3) avoidance and recovery of fraudulent conveyance; (4) automatic preservation of avoided transfer; and (5) declaratory relief

Docket 1

Tentative Ruling:

The court has reviewed plaintiff's unilateral status report. Plaintiff to address when he will file a motion for default judgment. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

Defendant(s):

Liubov Parenago

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Nancy H Zamora

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, June 29, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#4.00 Cont'd status conference re: Complaint for non dischargeability of debt pursuant to 11 U.S.C. §523(a)(2)(A) & §523(a)(6) and for discharge of bankruptcy pursuant to 11 U.S.C. §727(a)(4)(A) & §727(a)(5) fr. 2/16/21, 4/27/21

Docket 1

***** VACATED *** REASON: Cont'd from 6/29/21 to 8/3/21 at 1:30 per hearing held on 6/22/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/25/21. Off calendar. The court at the hearing on plaintiffs' amended motion for default judgment on 6/22/21 continued the status conference to 8/3/21 at 1:30 p.m. No appearances are required on 6/29/21.

Prior tentative ruling as of 4/21/21. Off calendar. The court has reviewed plaintiffs' unilateral status report stating that they are preparing an amended motion for default judgment and requesting a continuance to allow them to file the amended motion. The court on its own motion continues the status conference for this purpose to 6/29/21 at 1:30 p.m. No appearances are required on 4/27/21.

Prior tentative ruling as of 2/16/21. The court has reviewed plaintiffs' unilateral status report filed on 2/15/21, stating that default was entered against defendant and that plaintiffs will be filing a motion for default judgment, and requesting a continuance of the status conference for plaintiffs to prepare and file a motion for default judgment. The court on its own motion continues the status conference to 4/27/21 at 1:30 p.m. and orders plaintiffs to file an updated status report by 4/20/21 if a motion for default judgment is not filed by that date. No appearances are required on 2/16/21.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By

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

Tuesday, June 29, 2021

Hearing Room 1675

1:30 PM

CONT... Fereidoun Chaparli

Chapter 7

John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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 29, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01687 Roozafzai et al v. Chaparli et al

#5.00 Cont'd status conference re: Complaint to determine non-dischargeability of debts/claims [11 U.S.C. §§523(a)(2), 523(a)(4), and 523(a)(6)]
fr. 2/16/21, 3/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/25/21. Plaintiff to address when he will file a request for entry of default based on lack of timely response to service of the summons and complaint. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed plaintiff's unilateral status report. Plaintiff to address when he will file a request for entry of default based on lack of timely response to service of the summons and complaint. Appearances are required on 3/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

DOES 1-20

Pro Se

Plaintiff(s):

Hassan Roozafzai

Represented By
Shahrokh Mokhtarzadeh

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 29, 2021

Hearing Room 1675

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CONT... **Fereidoun Chaparli**
Ghodsieh "Vida" Roozafzai

Chapter 7

Represented By
Shahrokh Mokhtarzadeh

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, June 29, 2021

Hearing Room 1675

1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#6.00 Order to show cause why adversary proceeding should not be dismissed for lack of prosecution

Docket 8

Tentative Ruling:

No tentative ruling as of 6/25/21. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia
Amy L Goldman

Defendant(s):

Martinique Hines

Pro Se

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

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

Tuesday, June 29, 2021

Hearing Room 1675

1:30 PM

CONT... Wanderluxxe, LLC

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 29, 2021

Hearing Room 1675

1:30 PM

2:20-19483 Wanderluxxe, LLC

Chapter 7

Adv#: 2:21-01018 Lateef et al v. Hines et al

#7.00 Cont'd status conference re: Complaint for fraudulent transfer, piercing the corporate veil, fraud
fr. 5/4/21, 5/5/21, 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/25/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/21/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/25/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Plaintiffs should be prepared to discuss the status of their discussions with the trustee about representation regarding the claims which appear to belong to the estate. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The status conference from 3/30/21 is continued to 4/6/21 because counsel for plaintiff failed to file a status report and appear for the status conference as required by LBR 7016-1 and the court's order setting initial status conference. Moreover, it appears that plaintiffs lack standing to assert the prepetition transfer avoidance claims in the complaint because such claims are property of the bankruptcy estate under the supervision of

**United States Bankruptcy Court
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CONT... Wanderluxxe, LLC

Chapter 7

the Chapter 7 bankruptcy trustee. In re Curry and Sorenson, Inc., 57 B.R. 824, 827 (9th Cir. BAP 1986); 11 U.S.C. 544 and 548. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Wanderluxxe, LLC

Represented By
Maria L Garcia

Defendant(s):

Martinique Hines

Pro Se

Wanderluxxe, LLC

Pro Se

Plaintiff(s):

Ibin Lateef

Represented By
James Bryant

Michael Tynes

Represented By
James Bryant

Hitz Investment Group Trust

Represented By
James Bryant

August Leo Investments

Represented By
James Bryant

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:14-17378 Phillip P Garcia and Misty M Garcia

Chapter 7

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

Docket 66

Tentative Ruling:

The court is inclined to approve the final report and fee application of the trustee for the reasons stated in the final report and fee application and for lack of timely written objection because the court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h). However, the final report proposes that only \$44,280.31 of the amount of fees of \$80,445.00 requested by Mirman, Bubman & Nahmias, L.L.P. (MBN), general bankruptcy counsel to the trustee, although MBN's final fee application requests payment of the full amount of the fees. The final report and MBN's fee application do not reflect an agreement to the lesser amount for the court to approve the final report based on the proposed distributions therein. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Phillip P Garcia

Represented By
Lauren Rode

Joint Debtor(s):

Misty M Garcia

Represented By
Lauren Rode
Sean M Novak

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 29, 2021

Hearing Room 1675

2:30 PM

CONT...

Phillip P Garcia and Misty M Garcia

Alan I Nahmias
Scott H Noskin

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:14-17378 Phillip P Garcia and Misty M Garcia

Chapter 7

#9.00 Hearing re: Application for fees and expenses
[Mirman, Bubman & Nahmias, LLP, Attorney for Chapter 7 Trustee]

Docket 63

Tentative Ruling:

The court is inclined to approve the final fee application of Mirman, Bubman & Nahmias, L.L.P. (MBN), general bankruptcy counsel to the trustee, for the reasons stated in the final fee application and for lack of timely written objection because the court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h). However, the trustee's final report proposes that only \$44,280.31 of the amount of fees of \$80,445.00 requested by MBN in its fee application be paid. MBN needs to clarify whether it is willing to accept the amount of fees proposed to be paid in the trustee's final report since that is not indicated either in the fee application or the trustee's final report. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Phillip P Garcia

Represented By
Lauren Rode

Joint Debtor(s):

Misty M Garcia

Represented By
Lauren Rode
Sean M Novak

Trustee(s):

Wesley H Avery (TR)

Represented By
Alan I Nahmias

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

Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

CONT...

Phillip P Garcia and Misty M Garcia

Scott H Noskin

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:14-17378 Phillip P Garcia and Misty M Garcia

Chapter 7

#10.00 Hearing re: Application for fees and expenses
[Hahn Fife & Co., LLP, Accountant for Chapter 7 Trustee]

Docket 61

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of the accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final report and fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 6/29/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Phillip P Garcia

Represented By
Lauren Rode

Joint Debtor(s):

Misty M Garcia

Represented By
Lauren Rode
Sean M Novak

Trustee(s):

Wesley H Avery (TR)

Represented By
Alan I Nahmias

**United States Bankruptcy Court
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CONT...

Phillip P Garcia and Misty M Garcia

Scott H Noskin

Chapter 7

**United States Bankruptcy Court
Central District of California
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

Adv#: 2:20-01647 Gonzalez v. Avery et al

#11.00 Hearing re: Motion for reconsideration Fed.R.Civ.P 59(e) ("A motion to later or amend a judgment must be filed no later than 28 days after entry of the judgment.") Motion to Reconsideration to rule Federal Rule of Bankruptcy Procedure 9023

Docket 43

***** VACATED *** REASON: Per order entered on 6/10/21**

Tentative Ruling:

Off calendar. The court ruled on the motion on the papers by order entered on 6/10/21. No appearances are required on 6/29/21.

Party Information

Debtor(s):

Arturo Gonzalez

Pro Se

Defendant(s):

Wesley H Avery

Represented By
Brett B Curlee

Anerio Altman

Represented By
William J Wall

Does 1 - 20

Pro Se

Plaintiff(s):

Arturo Gonzalez

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Brett B Curlee
Dennis E McGoldrick

**United States Bankruptcy Court
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Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

#12.00 Cont'd hearing re: Motion of chapter 7 trustee for summary judgment against George Shemtov
fr. 1/19/21, 3/9/21, 4/27/21

Docket 29

***** VACATED *** REASON: Cont'd from 6/29/21 to 8/31/21 at 2:30 p.m.
per stip & order entered on 6/23/21-pp.**

Tentative Ruling:

Updated tentative ruling as of 6/25/21. Off calendar. Continued by stipulation and order to 8/31/21 at 2:30 p.m. No appearances are required on 6/29/21.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

George Shemtov

Represented By
Keith F Rouse

Movant(s):

David M. Goodrich

Represented By
Faye C Rasch

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
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CONT...

SOCALDEAL INC

Beth Gaschen

Weiland Golden Goodrich LLP

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01277 Goodrich v. Shemtov

- #13.00** 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. 1/19/21, 3/9/21, 4/27/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/25/21. No tentative ruling on the merits. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised and updated tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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2:30 PM

CONT... SOCALDEAL INC

Chapter 7

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Jack Shemtov

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

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CONT... SOCALDEAL INC

Chapter 7

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
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Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01278 Goodrich v. Shemtov

- #14.00** 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. 1/19/21, 3/9/21, 4/27/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/25/21. No tentative ruling on the merits. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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CONT... **SOCALDEAL INC**

Chapter 7

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Najid Shemtov

Pro Se

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Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Hearing Room 1675

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CONT... SOCALDEAL INC

Chapter 7

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
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Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01279 Goodrich v. Shemtov

- #15.00** 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. 1/19/21, 3/9/21, 4/27/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/25/21. No tentative ruling on the merits. Appearances are required on 6/29/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. Off calendar. The court has reviewed the joint status report filed on 4/19/21 in the related George Shemtov adversary proceeding and the stipulation in that adversary proceeding to continue the hearing on plaintiff's motion for summary judgment filed on 4/20/21 with an updated representation that the parties are actively engaged in settlement discussions and close to agreement, but are seeking mediation to resolve a limited issue, and based on these representations which also pertain to this adversary proceeding since the parties are related and are represented by the same counsel, the court on its own motion continues the status conference to the date and time of the continued hearing on the summary judgment motion of 6/29/21 at 2:30 p.m. No appearances are required on 4/27/21. Counsel for plaintiff to notify counsel for defendant of the continuance.

Prior tentative ruling as of 4/21/21. No tentative ruling on the merits. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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2:30 PM

CONT... SOCALDEAL INC

Chapter 7

Prior tentative ruling as of 3/5/21. The court has reviewed the joint status report stating that the parties seek extension of the discovery cutoff date of 1/31/21 and the mediation completion deadline of 8/31/20. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint status report. No tentative ruling on the merits. Appearances are required on 1/19/21 to discuss scheduling a pretrial conference and filing of a joint pretrial stipulation pursuant to LBR 7016-1 since the discovery cutoff date of 1/30/21 is approaching, and scheduling a possible mediation since the parties have indicated an interest, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/27/20. No tentative ruling on the merits. Appearances are required on 12/1/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/9/20. Off calendar. The court has reviewed the joint status report noting that plaintiff has noticed his motion for summary judgment for 12/1/20 and the parties have stipulated to extend the discovery date to 1/31/21, which the court has approved. In light of these developments, the court on its own motion continues the status conference to 12/1/20 at 2:30 p.m. to be conducted the same time as the hearing on plaintiff's motion for summary judgment. No appearances are required on 11/10/20.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour

Defendant(s):

Rojeh Shemtov

Pro Se

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

2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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
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Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:18-21855 Michael Richard Shapiro
Adv#: 2:19-01009 Vechery v. Shapiro

Chapter 7

#16.00 Hearing re: Motion for SulmeyerKupetz, APC to be relieved as counsel
[Local Bankruptcy Rule 2091-1(a)(1), 2091-1(c)(2), and 9013-1(p)(4)]

Docket 90

***** VACATED *** REASON: Notice of withdrawal filed on 6/16/21-mb.**

Tentative Ruling:

Off calendar. Motion withdrawn by notice filed on 6/16/21. No appearances are required on 6/29/21.

Party Information

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
Victor A Sahn

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 29, 2021

Hearing Room 1675

2:30 PM

2:19-22559 Eui Joon Park

Chapter 7

#17.00 Hearing re: Trustee's motion to approve compromise

Docket 31

Tentative Ruling:

Grant trustee's motion to approve compromise for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 6/29/21 to address scheduling of further proceedings, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman
Michael G D'Alba

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

Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:20-10628 Teofilo Aguirre Chavez

Chapter 7

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

Docket 54

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 6/29/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Teofilo Aguirre Chavez

Represented By
Benard C Udeozor

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 29, 2021

Hearing Room 1675

2:30 PM

2:20-12202 Richard Ochoa Telles
Adv#: 2:20-01137 Sluggett v. Telles

Chapter 7

#19.00 Hearing re: Motion to dismiss complaint objecting to discharge pursuant to 11 U.S.C. § 727(a)(4)

Docket 35

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to plaintiff's motion to voluntarily dismiss the second claim for relief of the complaint under 11 U.S.C. 727(a)(4), the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to granting of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants the motion for the reasons stated in the motion and for lack of timely written opposition. No appearances are required on 6/29/21. Plaintiff to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Defendant(s):

Richard Ochoa Telles

Represented By
Daniela P Romero

Plaintiff(s):

Ryan Sluggett

Represented By
Aimee Scala

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

CONT... Richard Ochoa Telles

Chapter 7

Trustee(s):

Elissa Miller (TR)

Represented By
Steven Werth

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

Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:20-15611 Salt of the Earth Productions, Inc.

Chapter 7

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

Docket 27

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 6/29/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Salt of the Earth Productions, Inc.

Represented By
Todd J Cleary

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, June 29, 2021

Hearing Room 1675

2:30 PM

2:20-15611 Salt of the Earth Productions, Inc.

Chapter 7

#21.00 Hearing re: Application for fees and expenses
[Hahn Fife & Company, Accountant for Chapter 7 Trustee]

Docket 24

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of the accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final report and fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 6/29/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Salt of the Earth Productions, Inc.

Represented By
Todd J Cleary

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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Wednesday, June 30, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1603494396>

ZoomGov meeting number: 160 349 4396

Password: 005884

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, June 30, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case
fr. 2/24/21, 4/28/21, 5/26/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 6/28/21. No tentative ruling on the merits. Debtor to report on the status of the final fee application of its general bankruptcy counsel and the implementation of the conditional dismissal order. Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, June 30, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#2.00 Hearing re: Motion to approve stipulation re plan treatment
(Re: Property commonly known as 926 South Mariposa
Avenue, Los Angeles, CA 90006-1456)

Docket 73

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the motion of creditor Bank of New York Mellon for approval of stipulation re: plan treatment, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants the motion for the reasons stated in the motion and for lack of timely written opposition. No appearances are required on 6/30/21. Movant to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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2:18-11475 Catherine Trinh

Chapter 11

#3.00 Cont'd status conference re: Debtor's objection to proof of claim no. 6 filed by the Kody Branch of California Chapter 7 bankruptcy trustee
fr. 2/17/21, 4/14/21, 4/28/21

Docket 291

***** VACATED *** REASON: Notice of withdrawal filed on 4/29/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 6/28/21. Off calendar. Objection to claim voluntarily withdrawn without prejudice by notice filed on 4/29/21. No appearances are required on 6/30/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#4.00 Order to show cause why sanctions should not be imposed against attorney Philip Kaufler
fr. 6/9/21

Docket 606

Tentative Ruling:

Having considered counsel's declaration in response to the order to show cause, the court will discharge the order to show cause and not impose sanctions as counsel made an inadvertent calendaring error and would have appeared at the hearing, but for this inadvertent error. Appearances are optional on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler

**United States Bankruptcy Court
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2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#5.00 Cont'd hearing re: Application for payment of: final fees and/or expenses (11 U.S.C. 330) for Philip Kaufler, special counsel, fee: \$123,922.50, expenses: \$1,864.50 fr. 4/28/21, 5/26/21, 6/9/21

Docket 567

Tentative Ruling:

Updated tentative ruling as of 6/29/21. The court notes that applicant has filed the declaration of his client, debtor, in support of his fee application based on their agreement that he would discount his fees by 18%. However, it appears that creditor Second Generation, Inc., still asserts its objections to the fee application, which still makes it a contested matter under FRBP 9019. Having reviewed the fee application, the court determines that it will have to conduct an evidentiary hearing to resolve this contested matter and hear testimony from applicant as to the services that he performed for the estate that he claims are compensable as necessary, reasonable and beneficial to the estate. The court's main concerns are that applicant was representing multiple clients, including nondebtor parties, at the time he was representing the estate as special litigation counsel and thus, the fees and expenses should be prorated among his clients, and there is insufficient documentation to support the reasonableness of the fees for the major category of fees relating to opposing Second Generation's motion to add judgment debtors in the state court litigation in the amount of \$48,392.50. The court is unable to determine the reasonableness of fees for this category of services because the services were not performed in proceedings before this court. In contrast, applicant provided copies of pleadings for other matters for which fees are claimed, such as Second Generation's motion for attorneys' fees and motion for prejudgment interest in the state court litigation (roughly 800 pages in his request for judicial notice in support of his reply, mostly consisting of pleadings that the other side prepared), and the court is able to discuss these matters with applicant and the parties at the evidentiary hearing. At the hearing, applicant can provide testimony and additional documentary support for the claimed fees to demonstrate their reasonableness, for example, to explain the reasonableness of the fees of \$8,222.50 representing 12.65 hours

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Chapter 11

of work, for his employment application which he did not prepare as it was prepared by general bankruptcy counsel for the debtor who is also applying for fees for the same application. The court estimates that such an evidentiary hearing would take two hours. Regarding the issue of proration, it would be helpful for the the court for the parties to file supplemental briefing on the issue. Interested parties should also consider the applicable legal standard for reasonableness under 11 U.S.C. 330 discussed in the tentative ruling on matter number 8. Appearances are required on 6/30/21 to discuss scheduling of the evidentiary hearing and for applicant to submit additional documentation, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/24/21. While applicant has corrected the service deficiency by servicing notice of the application and continued hearing on all creditors, he has failed to remedy the other deficiencies in the application as indicated in the court's prior tentative ruling as of 4/29/21, namely, he has not filed a supplemental declaration regarding his efforts to obtain the declaration of the client in support of the application or to describe his specific efforts to obtain such a declaration, and he has not yet provided a judge's copy of his 784-page reply papers in violation of LBR 5005-2(d) which impedes the court's review of the application papers.

The court will set a date for an evidentiary hearing on the application in light of the opposition to the application, which date will be set after a reasonable time for the court to review the papers once it receives the judge's copy of the reply papers. Because the fees claimed by this applicant overlaps with other applicants, namely, general bankruptcy counsel for debtor in possession, the court will also continue the further hearing on the final fee applications of the other professionals to 6/9/21 so that the court can consider the work of all these professionals due to their interrelationship to determine the reasonableness of all the claimed professional fees.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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Prior tentative ruling as of 4/26/21. Service of the application is deficient because the proof of service does not show that all creditors have been served with 21 days notice of the application as required by FRBP 2002(a)(6) and 9013. The hearing will have to be continued because applicant will have to serve all creditors with notice of the application.

The application is deficient because there is no separately filed declaration from the client indicating that she has reviewed the application and has no objection to it, and applicant's declaration describing the steps that were taken to obtain the client's declaration and response thereto as required by LBR 2016-1(a)(1)(J) and (c)(2) is deficient because it is vague and conclusory as to the details of such steps to contact the client and obtain her declaration.

The hearing will also have to be continued because the court needs additional time to review the reply documents filed on 4/21/21 by applicant consisting of about 800 pages of documents as the court has not received the judge's copy of the reply papers which applicant was required to deliver to chambers as required by LBR 5005-2(d) and Court Manual sections 2.5 and 3.5(b) and Appendix F.

The hearing will also have to be continued because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application and the need to review the documents relating to the tasks that were performed by applicant, including the some 784 pages of documents submitted by applicant in his request for judicial notice accompanying his reply to the opposition. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation and preparation of applicant's employment application (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as

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excessive time spent on particular tasks (i.e., applicant's employment application, preparation of the opposition to the motion of Second Generation for prejudgment interest).

The court will also treat the application as a contested matter under FRBP 9014 in light of opposition of creditor Second Generation, Inc. and set an evidentiary hearing on the application to resolve factual issues of reasonableness of the fees claimed by applicant. Parties to address scheduling of the evidentiary hearing, and whether discovery is needed. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Movant(s):

Philip Kaufler

Pro Se

**United States Bankruptcy Court
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2:18-11475 Catherine Trinh

Chapter 11

#6.00 Cont'd hearing re: Application for payment of final fees and/or expenses of LEA Accountancy, LLP, Accountant
fr. 4/28/21, 6/9/21

Docket 568

Tentative Ruling:

Updated tentative ruling as of 6/29/21. Having reviewed the fee application, the court determines that it will have to conduct an evidentiary hearing and hear testimony from applicant as to the services that it performed for the estate that its claims are compensable as necessary, reasonable and beneficial to the estate within the meaning of 11 U.S.C. 330. The court has a concern that the fees for preparing monthly operating reports over 36 months totaled \$43,624.50 for applicant alone (and not including fees of \$23,595.50 claimed by general bankruptcy counsel for debtor for the same work) appear to be excessive and unreasonable in light of the fact that the MORs should have been simple and straightforward as the income and expenses only involved debtor who was employed and had only wage income and her household expenses and each MOR is substantially similar that it should not have cost so much once a template for the first few MORs was established. The court has reviewed the application line by line and has concerns about specific entries that it will go over with applicant at the evidentiary hearing and hear applicant's testimony about how the specific entries were for services that were necessary, reasonable and beneficial to the estate. Interested parties should also consider the applicable legal standard for reasonableness under 11 U.S.C. 330 discussed in the tentative ruling on matter number 8. The court estimates that the hearing will take about one hour.

Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the application because: (1) no detailed explanation of the expenses of

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CONT...

Catherine Trinh

Chapter 11

\$333.71 is contained in the application in order for the court to determine the reasonableness of the expenses under 11 U.S.C. 330; and (2) the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the billing entries attached to the application). In conducting this review, the court will have to review matters on the docket, such as the monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., counsel), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court also expects to disallow fees of applicant of several thousand dollars for attending disclosure statement hearings, which were unnecessary in the court's view, as other professionals (i.e., counsel) were appearing for debtor. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. Applicant will need to submit billing entries for the claimed expenses for the court to complete its review of the application, and thus, it appears that the hearing will need to be continued in order for movant to submit billing entries for claimed expenses and for the court to review them and the other fees claimed. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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Chapter 11

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:18-11475 Catherine Trinh

Chapter 11

#7.00 Cont'd hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503 fr. 4/28/21, 5/26/21

Docket 563

Tentative Ruling:

Updated tentative ruling as of 6/29/21. No tentative ruling on the merits. The court notes that movant filed additional factual material in its reply to the creditors' opposition to the motion and that the plan trustee filed a response to the motion partially in support and partially in opposition. The parties should advise whether there will be additional evidence to be offered on the motion and whether an evidentiary hearing is required to receive such evidence, which may include testimony, in order for the evidentiary record on the motion to be complete. In addition to the Ninth Circuit's opinion in *In re Cellular 101, Inc.*, 377 F.3d 1092 (9th Cir. 2004), the parties should consider the discussion and analysis of the applicable legal standard in the opinion of another court in the Ninth Circuit in *In re Oceanside Partners*, 519 B.R. 802 (Bankr. D. Haw. 2014), which the court finds to be useful and instructive, when they are preparing to argue on the motion. If an evidentiary hearing is required, the court expects that it would take 1-2 hours. Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/24/21. The court has received the unredacted billing entries submitted in camera to the court as requested at the prior hearing, which the court has reviewed. However, debtor filed on 5/19/21 a declaration in opposition to the motion, which is an untimely opposition to the motion. Certain creditors filed on 5/21/21 a motion to continue the hearing on the application, and other creditors filed a joinder to the motion to continue. The court is inclined to grant the motion to continue the hearing though not primarily due to the late filing of the debtor's opposition and of the creditors'

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motion to continue pursuant to Local Bankruptcy Rule 9013-1. Debtor has not stated a good reason to excuse her late filing, and creditors have not stated a good reason for their late motion to continue as they did not timely oppose the application before the initial hearing on the application or before the continued hearing on the motion. Their reason that the unredacted billing entries had not been filed is not a good reason for continuance as the court allowed applicant to submit the unredacted billing entries in camera as there was no objection to this at the initial hearing on the application. The court should continue the hearing primarily because it has concerns about the allowability of fees for objecting to the disclosure statement which was really to protect its own interests as opposed to the general interests of creditors and the estate, but the court is inclined to allow the fees for intervening and opposing the adversary proceeding brought by debtor's spouse regarding the transfer of the residence on behalf of creditors and the estate, and since the court has these concerns, it may as well allow other parties to be heard on these concerns.

The creditors moving for continuance object to the fees of applicant in part because such fees are duplicative of fees for work performed by general bankruptcy counsel for debtor in possession, and this is also a reason for the court to continue the hearing because it has to also look at the fee application of general bankruptcy counsel for debtor in possession to evaluate whether there is such duplication. It makes sense in the court's view to continue the hearings on all professional fee applications to consider their interrelationships and to evaluate whether the fees are for services that are reasonable and beneficial to creditors and the estate.

In evaluating whether the unredacted billing statements of applicant should be filed as part of the public record or perhaps filed under seal with a protective order, it seemed to the court that the redactions were made to protect the confidentiality of communications with its client representative or the references to applicant's strategy pertaining to ongoing litigation. If such disclosure must be made, it may be required to be under seal with a protective order.

As to the pending motion to continue, the court will not rule on it before the hearing on 5/26/21, so the parties in interest could be heard on the motion,

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Chapter 11

and the court and the parties can discuss scheduling of further proceedings.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them.

Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:18-11475 Catherine Trinh

Chapter 11

#8.00 Cont'd hearing re: Application for payment of final fees and/or expenses for Fredman Lieberman Pearl LLP, debtor's attorney, Period: 2/2/2018 to 1/28/2021, Fee: \$635,953.00, Expenses: \$10,302.61.
fr. 3/31/21, 4/28/21, 6/9/21

Docket 549

Tentative Ruling:

Updated tentative ruling as of 6/29/21. Having reviewed the fee application, the court determines that it will have to conduct an evidentiary hearing and hear testimony on behalf of applicant as to the services that it performed for the estate that it claims are compensable as necessary, reasonable and beneficial to the estate. See *The Traditional Cat Association, Inc. v. Gilbreath*, 340 F.3d 829, 834 (9th Cir. 2003) (a court in reviewing a professional fee application could supplement the record through live testimony, making credibility judgments if necessary, additional declarations, or other documentation).

Preliminarily, applicant argues that the opposition of the objecting creditors should be disregarded on grounds that it was filed after the 14 day deadline before the original hearing on 3/31/21, but the court continued the hearing to 6/9/21, and then 6/30/21. The court overrules the objection that the opposition was late-filed since the continuance extended the deadlines for opposition pursuant to LBR 9013-1(m)(4), and the opposition was thus timely.

Also, as a preliminary matter, the objecting parties in their opposition argue that the fee application is premature on grounds that there are insufficient assets to pay administrative expenses, and in support of this contention, they cite cases ruling on interim fee applications. The court agrees with applicant in its reply to the opposition that its final fee application is not premature under LBR 2090-1(c) which provides that final fee applications of estate professionals must be filed and heard promptly as possible after plan confirmation. This also makes sense as applicant argues that the court and the parties are better equipped to assess and analyze a fee application when

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the case is fresh in their minds. More importantly, consistent with LBR 2090-1(c), it is important to liquidate the administrative expense claims in order for the confirmed plan to efficiently implemented so that the plan trustee here know what he has to pay under the plan, so he will be ready to make distributions to priority administrative expense creditors when funds are available without undue delay. Thus, the reliance of the objecting creditors on cases involving interim fee applications is misplaced since there is no reason to award interim fees if the estate does not have the funds and the fees will be reviewed on a final basis at or promptly after plan confirmation.

In the opposition, the objecting creditors argue that fees for certain categories of services performed by applicant were not reasonable, necessary or likely to benefit the estate when they were rendered. The creditors identify the objectionable categories of services as relating to plan and disclosure statement, claims administration and objections, Trinh and Voong adversary matters, employment and fee applications, and other services, including case administration, asset analysis, recovery and preservation and OUST compliance. In the reply, applicant argues that the services rendered were all reasonable.

The court believes that it is helpful to set out what it understands is the applicable legal standard for determining the reasonableness of fees of professionals employed by the estate pursuant to 11 U.S.C. 330. See *In re Kudrave*, No. 2:17-bk-17577-RK Chapter 11, 2019 WL 5688157 (Bankr. C.D. Cal. Nov. 1, 2019); *In re Sarkis Investments Co.*, No. 2:13-bk-29180-RK Chapter 11 (Bankr. C.D. Cal. Sept. 5, 2019); *In re Wells*, No. 2:16-bk-18163-RK Chapter 7 (Bankr. C.D. Cal. May 31, 2019).

Under 11 U.S.C. § 330(a)(1), a bankruptcy court is authorized to award “reasonable compensation for actual, necessary services rendered by ... an attorney” and any paraprofessional person employed by an attorney. The court also has the power to award a reduced fee to a professional requesting compensation under Section 330. 11 U.S.C. § 330(a)(2).

In determining fees allowed to a professional of a bankruptcy estate, the court must examine “all relevant factors, including: (A) the time spent on [the] services; (B) the rates charged for [the] services; (C) whether the services

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were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of [the case]; (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and (F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in [nonbankruptcy cases].” 11 U.S.C. § 330(a)(3). The court also must not allow compensation for (i) unnecessary duplication of services, or (ii) services that were not: (I) Reasonably likely to benefit the debtor’s estate, or (II) Necessary to the administration of the case.

Courts customarily apply a formula known as the ‘lodestar’ method to complement these statutory factors, multiplying a reasonable number of hours expended by a reasonable hourly rate to determine allowable compensation. *Unsecured Creditors’ Committee v. Puget Sound Plywood, Inc.*, 924 F.2d 955, 960 (9th Cir. 1991); *In re Manoa Finance Co., Inc.*, 853 F.2d 687, 691 (9th Cir. 1988). In *Manoa Finance Company*, the Ninth Circuit held that a compensation award based on the lodestar method is “presumptively a reasonable fee.” 853 F.2d at 691. Although courts customarily begin a fee determination by applying the lodestar method—the “primary” fee calculation formula adopted by the Ninth Circuit—the lodestar is not exclusively applied, given the “uniqueness of bankruptcy proceedings.” *Unsecured Creditors’ Committee v. Puget Sound Plywood, Inc.*, 924 F.2d at 960. Further, a court may downwardly adjust a law firm’s fees with reference to the work actually and reasonably performed, the value of that work to the estate, the performance of the firm’s attorneys, the reasonable hourly rates for such work, and the prevailing community rates, among other factors. *In re Morry Waksberg M.D., Inc.*, 692 Fed. Appx. 840, 842 (9th Cir. June 6, 2017) (quoting *In re Manoa Finance Co., Inc.*, 853 F.2d at 691).

When determining the amount of reasonable fees, the court’s “examination ... should include the following questions: First, were the services authorized? Second, were the services necessary or beneficial to the administration of the estate at the time they were rendered? Third, are the services adequately

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documented? Fourth, are the fees requested reasonable, taking into consideration the factors set forth in § 330(a)(3)? Finally, ... the court must [also consider] whether the professional exercised reasonable billing judgment.” In re Mednet, 251 B.R. 103, 108 (9th Cir. BAP 2000) (citation omitted).

Regarding the requirement that bankruptcy estate professionals exercise billing judgment, the Ninth Circuit has stated that employment authorization does “not give [the professional] free reign to run up a tab without considering the maximum probable recovery.” Unsecured Creditors' Committee v. Puget Sound Plywood, Inc., 924 F.2d at 958. Before undertaking work on a bankruptcy matter, a professional is obligated to consider:

- (a) Is the burden of the probable cost of legal services disproportionately large in relation to the size of the estate and maximum probable recovery?
- (b) To what extent will the estate suffer if the services are not rendered?
- (c) To what extent may the estate benefit if the services are rendered and what is the likelihood of the disputed issues being resolved successfully?

Id. at 959-960 (citation omitted). Moreover, “ [w]hen a cost benefit analysis indicates that the only parties who will likely benefit from [a service] are the trustee and his professionals,’ the service is unwarranted and a court does not abuse its discretion in denying fees for those services.” In re Mednet, 251 B.R. at 108-109 (quoting In re Riverside-Linden Investment Co., 925 F.2d 320, 321 (9th Cir. 1991)).

A bankruptcy court has broad discretion to determine the number of hours reasonably expended by a professional. Wechsler v. Macke International Trade, Inc. (In re Macke International Trade, Inc.), 370 B.R. 236, 254 (9th Cir. BAP 2007). “[E]ven where evidence supports [that] a particular number of hours [were] worked, the court may give credit for fewer hours if the time claimed is ‘excessive, redundant, or otherwise unnecessary.’ ” Id. (quoting Dawson v. Washington Mutual Bank, F.A. (In re Dawson), 390 F.3d 1139, 1152 (9th Cir. 2004)).

While “the applicant must demonstrate only that the services were ‘reasonably

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likely' to benefit the estate at the time the services were rendered," In re Mednet, 251 B.R. at 108, "an attorney fee application in bankruptcy will be denied to the extent that the services rendered were for the benefit of the debtor and did not benefit the estate." In re Crown Oil, Inc., 257 B.R. 531, 540 (Bankr. D. Mont. 2000) (quoting Keate v. Miller (In re Kohl), 95 F.3d 713 (8th Cir. 1996)) (citations and internal quotation marks omitted). "This rule is based on the legislative history of the Bankruptcy Code section 330(a) and the unfairness of allowing the debtor to deplete the estate by pursuing its interests to the detriment of creditors." Id. (citations and internal quotation marks omitted). "The same unfairness occurs when a debtor's professionals seek to deplete the estate ... to the detriment of the estate and creditors." In re Crown Oil, Inc., 257 B.R. at 540.

Courts do not conclude that "only successful actions may be compensated under § 330. To the contrary, so long as there was a reasonable chance of success which outweighed the cost in pursuing the action, the fees relating thereto are compensable. Moreover, professionals must often perform significant work in making the determination whether a particular course of action could be successful. Such services are also compensable so long as, at the outset, it was not clear that success was remote." In re Crown Oil, Inc., 257 B.R. at 541 (quoting In re Jefsaba, Inc., 172 B.R. 786, 789 (Bankr. E.D. Pa. 1994)) (internal quotation marks omitted). "On the other hand, whether a reorganization is successful is a factor to be considered in determining whether a debtor's counsel's services provide a benefit to the estate." In re Crown Oil, Inc., 257 B.R. at 541 (citing In re MFlex Corp., 172 B.R. 854, 857 (Bankr. W.D. Tex. 1994) and In re Lederman Enterprises, Inc., 143 B.R. 772, 775 (D. Colo. 1992), affirmed, 997 F.2d 1321 (10th Cir. 1993)).

The normal method for assessing the reasonableness of attorneys' fees is the lodestar method, where the number of hours reasonably expended is multiplied by a reasonable hourly rate. In re Eliapo, 468 F.3d 592, 598 (9th Cir. 2006) (citations omitted). "Ultimately, a reasonable number of hours equals the number of hours which could reasonably have been billed to a private client." Gonzalez v. City of Maywood, 729 F.3d 1196, 1202 (9th Cir. 2013) (citations and internal quotation marks omitted). The court should disallow unreasonable attorneys' fees using one of two methods. Id. at 1203.

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“First, the court may conduct an hour-by-hour analysis of the fee request and exclude those hours for which it would be unreasonable to compensate the prevailing party.” *Id.* (Internal quotations omitted). Second, the court has the authority to make across-the-board percentage cuts in the number of hours requested. *Id.*

The objecting creditors object to specific categories of fees saying that the services were unnecessary, unreasonable and not beneficial to the estate.

The largest category objected to is the category of fees for the plan and disclosure statement in the amount of \$235,614.00, saying that applicant has not shown why the plan and disclosure statement process was so difficult and time-consuming and what changes needed to be made that were unforeseen and that the fees are for services which are duplicative of creditor Second Generation, Inc., which is also seeking a fee award for plan and disclosure statement services. However, the objecting creditors do not specify which fees are unreasonable or how much of the fees are unreasonable, or which ones are reasonable or how much they would consider would be reasonable. While applicant has the burden of showing the fees are reasonable, the objecting parties have at least to show specifically what is unreasonable.

With respect to claims administration and objections, the objecting parties object to the fees claimed by applicant in the amount of \$36,341.50, saying that the fees are overstated for services for lots of "analyzing" and two motion disputes relating to the Kody Branch bankruptcy estate's motion to file a late claim and objecting to that estate's claim, which was later withdrawn. It appears to the court that at least some fees for these services are reasonably incurred, but the objecting creditors do not indicate what part of the fees is unreasonable, though it may be that they are asking for total disallowance of fees in this category. It isn't that clear.

The objecting creditors object to the fees claimed by applicant for the Trinh and Voong adversary matters in the amount of \$54,502.50 on grounds that nothing occurred in the Trinh adversary matter, except multiple stipulations for continuances of hearings and deadlines, and that debtor only acquiesced in her husband's allegations that the Las Flores property was mostly his and not the estate's asset and opposed Second Generation's intervention to recover

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the asset for the estate, which was successful. Here, the objection is apparently that the services did not benefit the estate and thus, not necessary, as opposed to whether the amounts were reasonable.

The objecting creditors oppose fees for preparing employment and fee applications in the amount of \$30,338.50 on grounds that they "appear[] to be excessive." Obviously, employment applications and fee applications for estate professionals need to be prepared and should be compensated in some degree. In objecting to these fees, the objecting creditors do not specify what fees or how much of the fees are unreasonable or why, and what would be reasonable..

The objecting creditors oppose fees for other services, including case administratuion of \$140,385.00, asset analysis, recovery and preservation of \$47,267.00 and OUST compliance of \$22,036.00 on grounds that such fees "appear large in light of the described services and what [applicant] accomplished for the Chapter 11 estate." In objecting to these fees, the objecting creditors do not specify what fees or how much of the fees are unreasonable or why, and what would be reasonable.

At a prior hearing, the court expressed its concern, as an example, over the professional fees for preparing monthly operating reports over 36 months totaled \$43,624.50 for the accountants who actually prepared the MORs and applicant which helped the accountants prepare the MORs billed \$23,595.50 in fees for a grand total of \$67,220.00, which appear excessive and unreasonable in light of the fact that the MORs should have been simple and straightforward as the income and expenses only involved debtor who was employed and had only wage income and her household expenses and each MOR is substantially similar that it should not have cost so much once a template for the first few MORs was established.

The court also agrees that the fees for the various iterations of the plan and disclosure statement in the amount of \$235,614.00 appear to be excessive for a case that was relatively simple and straightforward, two classes of creditors, secured creditor Second Generation, and the general unsecured creditors, and assets of an individual debtor with regular employment income and interests in several real estate assets and fractional interests in business entities. The plans and disclosure statements themselves are not complex

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documents as the idea behind the plans was debtor would put her net disposable income into the plan to pay creditors and her nonexempt assets would be liquidated to pay creditors. While there was one large general unsecured creditor, the Kody Branch bankruptcy estate, with a \$55 million claim, there was not much litigation relating to that claim. The case was going to be essentially a liquidating reorganization in which the main dispute was whether the debtor herself or an independent plan trustee would liquidate the assets in the estate. Applicant will need to prove up the reasonableness of the fees for the services relating to plans and the disclosure statements, or otherwise, the fees for such services will be reduced. In re Budd Co., Inc., 550 B.R. 407 (Bankr. N.D. Ill. 2016); In re Sarkis Investments Co., Inc., supra.

The court's earlier tentative ruling that it was likely that there would be no more than a 10 percent "haircut" based on its preliminary review of the application was premature and now states that the reduction could be more than 10 percent upon ruling on the objections of the objecting creditors as well as the court's own concerns. The court is of the view that an evidentiary hearing is needed to take testimony from applicant's professionals regarding the services that they performed in order for applicant to meet its burden of demonstrating that its fees are reasonable under 11 U.S.C. 330 and to address the objections and concerns of the objecting creditors and the court. The court expects that an evidentiary hearing would take no more than a day.

Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the application because the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the voluminous billing entries attached to the application consisting of over 300 pages. In conducting this review, the court will have to review matters on the docket, such as the pleadings filed by applicant and monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about

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\$1,000 are also billed for each operating report by other professionals working with applicant (i.e., accountant), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. The court has concerns that there may be duplication of effort since multiple professionals are involved on the same tasks, such as relating to the appeals in debtor's state court litigation (i.e., work performed by multiple attorneys in the firm as well as special litigation counsel), and the general reasonableness of charges, such as excessive time spent on particular tasks, or unreasonable charges, that is, charging \$50.00 each time an attorney looks at a document filed in the case, whether or not there is any action taken on the document (e.g., looking at orders approving stipulations, which require no action by applicant), which amount to hundreds, if not, thousands of dollars, without any specific benefit to the estate. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008). Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:18-11475 Catherine Trinh

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#9.00 Status conference re: Trustee's plans to sell the Las Flores property

Docket 0

Tentative Ruling:

The court appreciates the responses of the plan trustee and the debtor to the court's concerns expressed in its prior order on the plan trustee's motion to extend the claim objection deadline. Having the benefit of the reading the response, it appears that as the plan trustee states, the plan confirmation order authorizing him to sell estate assets, including the Las Flores property, and the plan is now effective, and whatever problem that the plan trustee may have in selling the Las Flores property without final resolution of Voong's claim of an 85% separate interest in the property is not an issue that is ripe for the court's review at this time, though it may come up as an issue in the adversary proceeding, particularly if the complaint is amended by plaintiff Kevin Voong to add an injunctive relief claim. Appearances are optional on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler

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#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1616999201>

ZoomGov meeting number: 161 699 9201

Password: 046011

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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2:18-12552 Zero Energy Contracting, Inc

Chapter 7

Adv#: 2:20-01053 Mastan, Chapter 7 Trustee v. JPMORGAN CHASE BANK, N.A.

#1.00 Cont'd status conference re: Complaint for (1) Avoidance of preferential transfers [11 U.S.C. §547]; (2) Avoidane of post-petition transfers [11 U.S.C. §549]; (3) Disallowance of claims [11 U.S.C. §502]; (4) Recovery of avoided transfers [11 U.S.C. §550]; and (5) Preserving Transfers [11 U.S.C. § 551]
fr. 9/29/20, 1/5/21, 4/6/21

Docket 1

***** VACATED *** REASON: Dismissed per stip & order entered on 6/15/21-mb.**

Tentative Ruling:

Off calendar. The status conference is moot because the adversary proceeding has been dismissed by stipulation and order entered on 6/15/21. No appearances are necessary.

Party Information

Debtor(s):

Zero Energy Contracting, Inc

Represented By
Devin Sreecharana
Andrew Harnisch
Grant Cartwright

Defendant(s):

JPMORGAN CHASE BANK, N.A.

Pro Se

Plaintiff(s):

Peter J. Mastan, Chapter 7 Trustee

Represented By
Meghann A Triplett

Trustee(s):

Peter J Mastan (TR)

Represented By
Meghann A Triplett

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2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#2.00 Cont'd status conference re: Complaint to determine dischargeability of debt (11 U.S.C. §§523(a)(2)(A) and 523(a)(4) fr. 1/19/21, 3/9/21, 5/4/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/6/21. Off calendar. The court has reviewed plaintiff's unilateral status report. The court also notes that plaintiff filed an amended motion for default judgment on 7/6/21. The court on its own motion continues the status conference to 8/3/21 at 1:30 p.m., so it can review the newly filed amended motion. No appearances are required on 7/6/21.

Prior tentative ruling as of 5/3/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will be amending the motion for default judgment in several weeks and requested a further continuance of the status conference to allow him to do this. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. for this purpose. No appearances are required on 5/4/21.

Prior tentative ruling as of 3/5/21. No tentative ruling on the merits. Appearances are required on 3/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/15/21. Plaintiff must report on the status of his efforts to file a motion for default judgment as he has been intending to file such motion for about a year. Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 11/13/20. No tentative ruling on the merits. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Prior tentative ruling as of 10/22/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that

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he is preparing to file a motion for default judgment by 11/10/20. Based on this representation, the court on its own motion continues the status conference to 11/17/20 at 1:30 p.m. to allow additional time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 10/27/20.

Prior tentative ruling as of 7/31/20. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he is preparing to file a motion for default judgment, but the gathering of documents in support thereof is taking longer than anticipated in light of the current situation, though he is hopeful that the motion can be filed within 60 days. Based on these representations, the court on its own motion continues the status conference to 10/27/20 at 1:30 p.m. to allow time for plaintiff to finish his preparation of a motion for default judgment. No appearances are required on 8/4/20.

Prior tentative ruling as of 5/22/20. Appearances are required on 5/26/20 to discuss the status of plaintiffs motion for default judgment and when other further proceedings should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. The court has reviewed plaintiff's unilateral status report filed on 3/16/20, stating that he will be filing a motion for default judgment shortly. The court on its own motion continues the status conference for about 60 days to 5/26/20 at 1:30 p.m. to allow time for plaintiff to prepare and file his motion for default judgment. No appearances are required on 3/31/20.

Prior 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.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

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Chapter 7

Defendant(s):

Dean Henrik Okland

Pro Se

Plaintiff(s):

Chuck Dorfman

Represented By
David S Hagen

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Jeffrey S Shinbrot

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2:20-11519 Ki Hyong Kim

Chapter 7

Adv#: 2:20-01181 Avery v. Yu et al

#3.00 Cont'd status conference re: Complaint to: (1.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b) AND CAL. CIV. CODE §§3439.05 AND 3439.07-09 (2.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(A) and 3439.07-09; (3.) AVOID CONSTRUCTIVE FRAUDULENT TRANSFER - 11 U.S.C. §544(b), CAL. CIV. CODE §§3439.04(a)(2)(B) AND 3439.07-09; (4.) AVOID ACTUAL FRAUDULENT TRANSFER - 11 U.S.C. § 544(b), CAL. CIV. CODE §§3439.04(a)(1) AND 3439.07-09; (5.) AVOID TRANSFER - 11 U.S.C. § 544(b), FED. DEBT COLLECTION PROC. ACT OF 1990 (FDCPA), 28 U.S.C. §§ 3001 *ET SEQ.*; (6.) TURNOVER OF PROPERTY - 11 U.S.C. §542(a); (7.) RECOVER AVOIDED TRANSFER AND ASSIGNMENT TO TRUSTEE - 11 U.S.C. §§550 AND 551; (8.) QUIET TITLE - CCP §760.010 *ET SEQ.*; (9.) REMOVE CLOUD ON TITLE - CAL. CIV. CODE §3412; (10.) DECLARATORY RELIEF- 11 U.S.C §541(a)(1) AND 22 U.S.C. §2201; (11.) INJUNCTION - 11 U.S.C. §105(a); AND (12.) BAR RECOVERY OF AVOIDED TRANSFER - 11 U.S.C. §522(g)
fr. 1/12/21, 2/2/21, 3/9/21, 5/4/21

Docket 1

***** VACATED *** REASON: Dismissed with stip & order entered on 6/3/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/1/21. Off calendar. The status conference was vacated pursuant to the order for dismissal of the adversary proceeding entered on 6/3/21. No appearances are necessary.

Prior tentative ruling as of 5/3/21. Off calendar. The court has reviewed the joint status report stating that the matter is being settled and that a motion to approve the settlement under FRBP 9019 is pending, awaiting a ruling after the time period to file objection and request a hearing pursuant to LBR 9013-1(o) expires. The court on its own motion continues the status conference to 7/6/21 at 1:30 p.m. in light of the pending settlement proceedings. No appearances are required on 5/4/21.

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Chapter 7

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

Defendant(s):

Kyungmin Yu

Pro Se

Ki Hyong Kim

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Brett B Curlee

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 6, 2021

Hearing Room 1675

2:00 PM

2:18-21855 Michael Richard Shapiro
Adv#: 2:19-01009 Vechery v. Shapiro

Chapter 7

#4.00 Pre-Trial Technical Status Conference by **ZOOM** re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523
fr. 12/15/20, 1/19/21, 2/16/21

Docket 1

***** VACATED *** REASON: Cont'd from 7/6/21 to 8/31/21 at 2:00 p.m.
per stip & order entered on 5/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/1/21. Off calendar. Continued by stipulation and order to 8/31/21 at 2:00 p.m. No appearances are required on 7/6/21.

Prior tentative ruling as of 2/12/21. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The court will refer this matter to the court's mediation program, and mediation should be completed by 6/15/21. Regarding defendant's request that further proceedings be conducted by telephone or video conference, the court will be conducting hearings remotely for the time being as the federal courthouses in this district are currently closed for in person hearings. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

TO PARTIES WHO INTEND TO APPEAR AT THE HEARING ON THIS MATTER:

PLEASE TAKE NOTICE that the court hearing before Judge Robert Kwan of the United States Bankruptcy Court for the Central District of California will be conducted telephonically. However, instead of having to physically appear in court, you must appear by telephone because the court is not conducting in person hearings on that date in light of the public health conditions from the COVID-19 pandemic. The courtroom will be locked; parties must appear by

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CONT... Michael Richard Shapiro

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telephone and will not be permitted to appear in the courtroom.

In order to appear for the court hearing by telephone, you will need to arrange to make the telephone call through CourtCall, the contract telephone appearance service, which arranges telephone appearances before this court. CourtCall's telephone number is: (866) 582-6878. Through March 31, 2021, CourtCall is offering discounted rates to attorneys and FREE access for parties who do not have an attorney (pro se or self-represented parties). You need make an advance reservation with CourtCall to appear by telephone before the hearing, preferably a week before the hearing, and no later than the day before the hearing. After you made your telephone appearance reservation with CourtCall, on the day of the court hearing, you will need to call CourtCall at its telephone number at least 5 minutes before the scheduled hearing, and identify the United States Bankruptcy Court in Los Angeles as the court and Judge Robert Kwan as the judge, and the CourtCall operator will put you into the telephonic court hearing. Given the large demand for telephone court appearances, there may be some delay in connecting to the hearing. If you are having problems connecting to the hearing, please call and advise Judge Kwan's courtroom deputy at (213) 894-3385.

Prior tentative ruling as of 1/15/21. Off calendar. The court has reviewed the joint status report. In light of the recently filed amended complaint and answer thereto, the substitution of counsel for plaintiffs and the lack of recollection that the counsel ever conducted a LBR 7026-1 meeting, the court orders that the counsel conduct a LBR 7026-1 meeting within the next three weeks, file an updated joint status report on 2/9/21 and appear for a further status conference on 2/16/21 at 1:30 p.m. No appearances are required on 1/19/21 as the court continues the status conference to 2/16/21 at 1:30 p.m.

Revised and updated tentative ruling as of 8/3/20. The court has reviewed plaintiff's unilateral statement for the status conference filed on 8/3/20. Apparently, the mediation has not yet been conducted. According to plaintiff in his statement, he believes that an in person mediation would be more successful than one by videoconference, but defendant is not willing to have an in person mediation in light of current pandemic conditions, suggesting that the parties be allowed to complete an in person mediation by February 2021,

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assuming the pandemic subsidies. Since the statement was unilateral, the court will hear from both parties as to the status of the pending mediation and the scheduling of further proceedings, including whether plaintiff intends to further amend the complaint as stated in its motion to extend discovery deadlines filed on 6/30/20. Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 4/27/20. The court has reviewed plaintiff's unilateral status report and defendant's joinder and grants joint request to continue scheduling dates as follows: (1) discovery cutoff date extended from 3/31/20 to 6/30/20; (2) status report filing due date extended from 4/21/20 to 7/28/20; (3) status conference continued from 4/28/20 at 1:30 p.m. to 8/4/20 at 1:30 p.m.; and (4) mediation completion deadline extended from 4/28/20 to 8/4/20. Plaintiff to lodge a proposed updated scheduling order within 7 days.

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

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CONT... Michael Richard Shapiro

Chapter 7

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
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Hearing Room 1675

2:30 PM

2:16-25444 Wladimir John Klimenko

Chapter 7

#5.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Rosendo Gonzalez, Chapter 7 Trustee]

Docket 221

Tentative Ruling:

Approve the final report and fee application of the trustee for the reasons stated in the final report and fee application and for lack of timely written objection because the court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h). Appearances are required on 7/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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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2:30 PM

2:16-25444 Wladimir John Klimenko

Chapter 7

#6.00 Hearing re: Application for fees and expenses
[Hahn Fife & Company, LLP, Accountant for Chapter 7 Trustee]

Docket 177

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of the accountant for the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 7/6/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

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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2:30 PM

2:16-25444 Wladimir John Klimenko

Chapter 7

#7.00 Hearing re: Application for fees and expenses
[Marshack Hays LLP, Attorney for Chapter 7 Trustee]

Docket 217

Tentative Ruling:

Approve the third and final fee application of general bankruptcy counsel to the trustee for the reasons stated in the final fee application and for lack of timely written objection because the court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h). Appearances are required on 7/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, July 6, 2021

Hearing Room 1675

2:30 PM

2:19-15989 Briena Sheree Casares

Chapter 7

#8.00 Hearing re: Chapter 7 trustee's motion for orders: (1) Approving sale of real property, subject to overbid; (2) Authorizing sale free and clear of liens and interests; (3) Authorizing release of funds from escrow; (4) Approving payment of real estate commissions; and (5) Approving payment of exemption

Docket 56

Tentative Ruling:

In a written order filed and entered on 6/30/21, the court set forth the following tentative ruling on the motion: In reviewing the moving papers, the court has noticed that service of the Chapter 7 Trustee's sale motion is deficient as shown on the proof of service of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2) and 9013, the Chapter 7 Trustee must give notice of the motion for sale of estate property to all creditors at least 21 days before the hearing on the motion, but as shown on the proof of service of the motion, the following creditors which are listed on the official list of creditors on the case docket for this case, i.e., creditors mailing matrix listing creditors of record, were not listed on the proof of service, and thus, there is no evidence of service on these creditors, including: AT&T, American Advisors Group, Athans [Athens] Disposal, CAF, LVNV Funding, LLC c/o Resurgent Capital Services, Pinnacle Credit Services, LLC, Quality Loan Services Corp., Student Financial Aid, Union Bank, and Wyndam Vacation.

The court notes that two of these unlisted creditors, LVNV Funding and Pinnacle Credit Services, LLC, had actually filed proofs of claim in this case. The court also notes that while creditor U.S. Department of Education was served, it was not served at its address designated for notice as indicated in its proof of claim filed in this case, U.S. Department of Education, P.O. Box 16448, St. Paul, MN 55116-0448. Because the evidence before the court indicates that the service of the Chapter 7 Trustee's sale motion is deficient, the court states that it cannot grant the motion at the hearing on July 6, 2021 without evidence of proper service of the motion on all creditors as required by Rules 2002(a)(2) and 9013.

Therefore, the court states its tentative ruling on the motion for the July 6,

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CONT... Briena Sheree Casares

Chapter 7

2021 hearing either to continue the hearing on the motion in order for the Chapter 7 Trustee to properly serve all creditors with 21 days notice of the motion as required by Rules 2002(a)(2) and 9013, or deny the motion without prejudice for insufficient notice as required by these rules. Appearances are required on 7/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Briena Sheree Casares

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Toan B Chung

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Wednesday, July 7, 2021

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11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1612483840>

ZoomGov meeting number: 161 248 3840

Password: 768356

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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Wednesday, July 7, 2021

Hearing Room 1675

11:00 AM

2:18-17189 Seven-Bros Enterprises, Inc.

Chapter 7

#1.00 Order to show cause why involuntary bankruptcy case should not be dismissed for lack of prosecution

Docket 117

***** VACATED *** REASON: Case dismissed by stip & order entered on 6/15/2021-mb.**

Tentative Ruling:

Off calendar. The order to show cause is moot since the case was dismissed by stipulation and order. No appearances are necessary.

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
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Wednesday, July 7, 2021

Hearing Room 1675

11:00 AM

2:18-23361 Zacky & Sons Poultry, LLC

Chapter 11

#2.00 Hearing re: Omnibus objection to proof of claim no. 402 (Marvin Scheidt) and proof of claim no. 403 (Thomas Dahlen) on the grounds that they are late-filed claims

Docket 580

Tentative Ruling:

No tentative ruling as of 7/1/21. Appearances are required on 7/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, July 7, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#3.00 Hearing re: Motion to approve stipulation re: plan treatment
(Re: Property commonly known as 1103 South Hobart
Boulevard, Los Angeles, CA 90006)

Docket 81

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the motion of creditor Bank of New York Mellon for approval of stipulation re: plan treatment, the court determines that oral argument on the motion is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the motion pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the motion on the papers, and grants the motion for the reasons stated in the motion and for lack of timely written opposition. No appearances are required on 7/6/21. Movant to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#4.00 Cont'd status conference re: Chapter 11 case (Subchapter V)
fr. 4/7/21, 6/9/21, 6/16/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss scheduling of further proceedings, including service of disclosure statement and plan and scheduling confirmation hearing in accordance with FRBP 2002(b), but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/16/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/4/21. Off calendar. The court on its own motion continues the status conference to 6/16/21 at 11:00 a.m. by order entered on 6/4/21. No appearances are required on 6/9/21.

Prior tentative ruling. The court notes that debtor through counsel failed to serve a judge's copy of the Subchapter V plan of reorganization (Docket No. 52), consisting of 59 pages, in violation of LBR 5005-2(d) as the proof of service of the application states that no service of the required judge's copy per General Order 20-02, which statement is erroneous because the general order does not except the plan from the service requirement of LBR 5005-2(d). The pandemic exception temporarily suspending the requirement of service of a judge's copy under General Order 20-02 and Amended General Order 20-06 applies only to documents 25 pages in length or less and does not apply to the plan document which is 59 pages in length. In lieu of sanctions for the violation of LBR 5005-2(d) and the misinterpretation of the court's general order, the court will order counsel for debtor to serve a judge's copy of the plan document and file a declaration under penalty of perjury that

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CONT... Seung Hyeon Pak

Chapter 11

he has read LBR 5005-2(d), General Order 20-02 and Amended General Order 20-06, that he has instructed his staff to read these legal authorities and that he and his staff will comply with the court's service requirements pursuant to these authorities in the future.

Debtor must be prepared to discuss and commit to a reasonable timetable for plan confirmation proceedings and hearing. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

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Hearing Room 1675

11:30 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#5.00 Cont'd pretrial technical 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. 1/12/21, 2/16/21, 4/28/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss readiness for trial, starting on 8/12/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/21/21. The parties should be prepared to discuss scheduling of the trial which will be conducted remotely and how long cross-examination of the witnesses whose trial declarations are now filed. Otherwise, no tentative ruling on the merits. Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 3/1/21. The court has reviewed the joint pretrial stipulation of the parties. The parties should be prepared to discuss scheduling, including when the trial should begin, and when they can file the trial declarations of their witnesses constituting their direct testimony. Otherwise, no tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/12/21. No tentative ruling on the merits. Appearances are required on 2/16/21, but counsel and self-represented parties must appear by telephone.

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CONT... Jong J Kim

Chapter 7

Prior tentative ruling as of 11/17/20. The court has reviewed the unilateral pretrial stipulation and declaration filed by counsel for plaintiff. Regarding the statement of issues of law, the court is of the view that plaintiffs need to set out the specific legal issues for each claim that they are asserting. The court would prefer that the parties set out the elements of each claim or defense that they are asserting, and the court is considering requiring the parties to file trial briefs that set this out because the unilateral pretrial stipulation filed by plaintiff just sets out generic conclusory statements of the legal issues. The court is unclear the legal authority for plaintiffs' claims of attorneys' fees and interest since none are alleged in the complaint or the unilateral pretrial stipulation. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone.

Updated tentative ruling as of 8/14/20. No tentative ruling on the merits. Since the status conference was continued due to the failure of one counsel to appear and the court decided not to sanction the attorney for his nonappearance, the court expects that counsel has met and confer regarding rescheduling further proceedings in this matter to be discussed at the status conference on 8/18/20. Appearances are required on 8/18/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 5/1/20. No tentative ruling on the merits. Appearances are required on 5/5/20 to discuss the status of the adversary proceeding, including the status of mediation and settlement negotiations and if not settled, when a pretrial conference should be set, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 3/20/20. Off calendar. In light of the rapidly developing public health threat of coronavirus disease (COVID-19) declared a public health emergency in the State of California and the United States of America and the current national and local public health guidance to mitigate the spread of the disease through social distancing, on March 19, 2020, the United States District Court for the Central District of California issued General Order 20-042, which among other things closes all courthouses of the Central District of California to the public, including the Roybal Federal

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CONT... Jong J Kim

Chapter 7

Building, through May 1, 2020, and accordingly, the court on its own motion continues the status conference in this adversary proceeding scheduled for March 31, 2020 at 1:30 p.m. to May 5, 2020 at 1:30 p.m. The court may issue a further order regarding scheduling if the public health threat does not subside. No appearances are required on March 31, 2020 at 1:30 p.m. as the status conference is continued to May 5, 2020 at 1:30 p.m. in Courtroom 1675, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. Counsel for plaintiff is ordered to give notice to the other parties.

Prior 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.

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CONT... **Jong J Kim**

Chapter 7

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 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

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CONT... Jong J Kim

Jason Shon

Chapter 7

Trustee(s):

David M Goodrich (TR)

Pro Se

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11:30 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#6.00 Cont'd hearing re: Motion to dismiss bankruptcy case
fr. 4/28/21, 5/5/21

Docket 284

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss the status of the pending mediation, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

Movant(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver
Raymond H. Aver

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Wednesday, July 7, 2021

Hearing Room 1675

11:30 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#7.00 Cont'd status conference re: Motion for contempt
fr. 2/17/21, 3/31/21, 5/5/21

Docket 205

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss the status of the pending mediation, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, July 7, 2021

Hearing Room 1675

11:30 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#8.00 Cont'd hearing re: Debtors' objection to amended claim no. 9 and motion to estimate claim for purposes of voting and distribution
fr. 2/17/21, 3/31/21, 5/5/21

Docket 103

Tentative Ruling:

Updated tentative ruling as of 7/1/21. No tentative ruling on the merits. Appearances are required on 7/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, July 7, 2021

Hearing Room 1675

11:30 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. 2/17/21, 3/31/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss the status of the pending mediation, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, July 7, 2021

Hearing Room 1675

11:30 AM

2:18-11525 Shahriar Joseph Zargar

Chapter 11

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

#10.00 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. 2/17/21, 3/31/21, 5/5/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/6/21. No tentative ruling on the merits. Appearances are required on 7/7/21 to discuss the status of the pending mediation, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, July 7, 2021

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

#11.00 Hearing re: Ex parte motion of defendant Greta Curtis for continuance of all trial dates associated with the trial dates and pending motions in the matter due to emergency surgery and incapacity

Docket 238

Tentative Ruling:

Revised and updated tentative ruling as of 7/6/21. The court has reviewed defendant Greta Curtis's in camera submission of an updated work status report from her physician dated 6/29/21 that states that she is being placed off work from 6/23/21 to 7/30/21 for medical treatment. The court has also reviewed plaintiff's response in opposition to defendant's ex parte motion to continue trial dates and deadlines filed on 7/6/21. However, since defendant's submission was in camera, plaintiff was not served with it, and does not know its contents. The court having seen defendant's in camera submission, which appears to be a legitimate excuse from her attending physician, is inclined to vacate the hearing dates on 7/15/21 and 7/29/21 and set a status conference on 8/3/21 at 2:00 p.m. to hear from defendant on her health status and to reschedule the hearing dates. Appearances are required on 7/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Wednesday, July 7, 2021

Hearing Room 1675

2:00 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**

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608498911>

ZoomGov meeting number: 160 849 8911

Password: 170148

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Thursday, July 8, 2021

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.

#1.00 Cont'd hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Christmas
fr. 4/28/21, 5/6/21, 6/2/21

Docket 937

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400 South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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):

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 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 Keith Patrick Banner
Kamran Gharibian	Represented By Brian L Davidoff Keith Patrick Banner
Daryoush Dayan	Represented By Brian L Davidoff Keith Patrick Banner
Cathay Bank, a California	Represented By Ekwan E Rhow Elliot C Harvey Schatmeier
Jennifer Kellen	Represented By Michael D Sobkowiak

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

Thursday, July 8, 2021

Hearing Room 1675

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
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
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#2.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by
400 S. La Brea
fr. 4/28/21, 5/6/21, 6/2/21

Docket 900

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the

**United States Bankruptcy Court
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Los Angeles
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Thursday, July 8, 2021

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2:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, Kansas City Southern Railway Co. v. SNY Island Levee Drainage District, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); Pacific Fuel Co., LLC v. Shell Oil Co., Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, Kona Technology Corp. v. Southern Pacific Transportation Co., 225 F.3d 595, 611 (5th Cir. 2000) ("[A] trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'"). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Alan W Forsley

Douglas Christmas

Represented By
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

Jennifer Kellen

Represented By
Michael D Sobkowiak

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

Thursday, July 8, 2021

Hearing Room 1675

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
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
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#3.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith fr. 4/28/21, 5/6/21, 7/8/21

Docket 899

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the Plan Agent that the court does not have to exclude the expert testimony evidence before trial since this is a bench trial, and the court is both the "gatekeeper" and the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the particular expert is needed to rebut the other party's expert testimony. See Plan Agent's Opposition to Motion in Limine at 4-5; see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

ACE MUSEUM, a California

Represented By

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

Art and Architecture Books of the 21st Century

Chapter 11

Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Thursday, July 8, 2021

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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

David J Richardson
Victor A Sahn

Sam Leslie

Represented By
Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#4.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian
fr. 4/28/21, 5/6/21, 6/2/21

Docket 898

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the recent supplemental filings by the parties. Preliminarily, the court is considering whether or not to adopt the same tentative ruling as to the other motions in limine, particularly since the purpose of the Saadian expert

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... **Art and Architecture Books of the 21st Century** Chapter 11

testimony was to rebut the expert testimony of defendants' expert, which is somewhat more open-ended than defendants describe in their motion. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. The motion in limine to exclude the testimony of the designated expert witness is moot in light of the untimely death of the expert witness and the granting of the plan agent's motion to designate a replacement witness by 4/1/21. While movant filed a statement of nonopposition to its motion, the court notes that in light of its order granting the plan agent's motion to designate a replacement witness, the motion may be superseded by the designation of a replacement witness as permitted by the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

ACE MUSEUM, a California

Represented By
Alan W Forsley

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By
Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#5.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 4/28/21, 5/6/21, 6/2/21

Docket 713

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the pretrial conference on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

Prior tentative ruling. Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of *Stern v. Marshall*, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 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
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
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

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#6.00 Cont'd hearing re: Plaintiff's motion for summary judgment on conversion and breach of fiduciary duty against defendant Douglas Christmas fr. 4/28/21, 5/6/21, 6/2/21

Docket 870

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the volume of the moving and opposing papers. Preliminarily, the court needs to consider whether it needs to submit a report and recommendation on the motion to the district court for review since the subject claims are noncore state law claims within the purview of *Stern v. Marshall*, 564 U.S. 462 (2011) if it determines that the motion should be granted, when the court should refer any such report and recommendation to the district court, and how such

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT...

Art and Architecture Books of the 21st Century

Chapter 11

referral will affect the resolution of the subject claims unresolved as to other parties. While the court tentatively determines that the motion should be granted for the reasons stated in the moving papers and that the oppositions lack merit, the court determines that the proposed statement of uncontroverted facts is too abbreviated and generalized to be useful to a reviewing court (i.e., whether this court, the district court or an appellate court). The proposed statement of uncontroverted facts and conclusions of law is not just a procedural requirement that can be submitted in a perfunctory manner under LBR 7056-1, but it is intended to serve as the court's reasoning in granting a summary judgment motion by specifically identifying each of the specific material facts in support of the motion and citing portions of pleadings, affidavits, depositions, interrogatory answers, admissions or other documents in evidence. The cursory citations to the court's Rule 2004 decision and the declarations are inadequate to perform this function. The court's Rule 2004 decision is not evidence as its findings are not law of the case or res judicata as to the subject claims as such claims were not before the court on the Rule 2004 motion. Cursory citations to the Ziegler, Leslie and Kincaid declarations in the proposed statement of uncontroverted facts and conclusions of law are inadequate because the references are to their statements of opinion, which are not evidence, as opposed to the underlying evidence of specific facts that support findings of the elements of the subject claims of conversion and breach of fiduciary duty, that is, there needs to be specific references to the underlying factual evidence. Also, if movant is requesting the court to draw adverse inferences to defendant Christmas, this is not accounted for in the proposed statement of uncontroverted facts and conclusions of law with specific references to his invocation of the Fifth Amendment privilege as to questions relating to specific elements of the subject claims. No appearances are required on 4/28/21.

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 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 David W. Meadows Jerome S Cohen Carolyn A Dye Alan I Nahmias
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Defendant(s):

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 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 Keith Patrick Banner

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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

Thursday, July 8, 2021

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.

#7.00 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. 4/7/21, 5/19/21, 6/16/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, July 8, 2021

Hearing Room 1675

2:00 PM

**CONT... Art and Architecture Books of the 21st Century
Victor A Sahn**

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#1.00 CONT'D TRIAL 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. 5/5/21, 6/17/21, 6/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Does 1 Through 100 Inclusive

Pro Se

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

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#2.00 CONT'D TRIAL 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. 5/5/21, 6/17/21, 6/21/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Friday, July 9, 2021

Hearing Room 1675

9:00 AM

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#3.00 Cont'd hearing re: Plaintiff/creditor James Lee Clark's motion for an order for sanctions including terminating sanctions against defendant/debtor Rita Ellison-Farris fr. 6/1/21, 6/17/21, 6/21/21

Docket 362

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 Cont'd hearing re: Motion to abstain
fr. 6/1/21, 6/17/21, 6/21/21

Docket 414

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 6/1/21, 6/17/21, 6/21/21

Docket 377

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 Cont'd 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 fr. 6/1/21, 6/17/21, 6/21/21

Docket 390

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 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. 6/1/21, 6/17/21, 6/21/21

Docket 351

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 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. 6/1/21, 6/17/21, 6/21/21

Docket 412

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 6/1/21, 6/17/21, 6/21/21

Docket 399

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits.
Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, July 9, 2021

Hearing Room 1675

9:00 AM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 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. 6/1/21, 6/17/21, 6/21/21

Docket 397

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, July 13, 2021

Hearing Room 1675

10:30 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1605603485>

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

Tuesday, July 13, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, July 13, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

- #1.00** Cont'd hearing re: Motion to deem facts admitted, for dismissal of debtor's bankruptcy action and for monetary sanctions pursuant to Federal Rules of Bankruptcy Procedure § 7037 Federal Rules of Civil Procedure §37(b)(2)(A) and Local Bankruptcy Rule 9011-3 fr. 6/15/21

Docket 30

Tentative Ruling:

Updated tentative ruling as of 7/13/21. Deny plaintiffs' motion to dismiss the underlying bankruptcy case because the motion is procedurally improper since it is not brought pursuant to 11 U.S.C. 707 in the main bankruptcy case with notice to all creditors as required by FRBP 2002(a)(4). Plaintiffs may not move to dismiss the main bankruptcy case in an adversary proceeding involving only themselves and debtor. Deny motion to deem facts admitted because requests for admission if not timely responded to are self-executing and do not require a motion to have such facts deemed admitted pursuant to FRCP 36(b) and FRBP 7036. Grant plaintiffs' motion for discovery sanctions under FRBP 7037 and FRCP 37(b)(2)(A) for defendant disobeying the court's discovery order entered on 4/6/21 and defendant's failure to appear at the further hearing on the parties' discovery dispute on 4/27/21 as ordered, and either prohibit defendant from opposing plaintiffs' claims or introducing evidence where he failed to comply with discovery or striking his answer and entering his default. Grant plaintiffs' request for sanctions in the form of an award of reasonable attorneys' fees in the amount of \$1,250.00 representing 5.0 hours of services by counsel for plaintiffs in prosecuting the discovery sanctions motion. Not all time is allowed because some services related to arguments for positions that lack legal merit, such as the request to dismiss the main bankruptcy case and to have facts deemed admitted. Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

1:30 PM

CONT... Alfred Lee Stringer

Chapter 7

Debtor(s):

Alfred Lee Stringer

Represented By
Marc A Goldbach

Defendant(s):

Alfred Lee Stringer

Pro Se

Plaintiff(s):

Mylaunna Lee

Represented By
Albert L Chaney III

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
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Tuesday, July 13, 2021

Hearing Room 1675

1:30 PM

2:18-23326 Alfred Lee Stringer

Chapter 7

Adv#: 2:19-01053 Lee et al v. Stringer

- #2.00** 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. 4/6/21, 4/27/21, 6/15/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/8/21. No tentative ruling on the merits. Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/14/21. No tentative ruling on the merits. Appearances are required on 6/15/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 4/21/21. The parties should discuss the status of defendant's responses to plaintiffs' outstanding discovery requests, and the court will hear argument on plaintiffs' discovery dispute motion and will discuss scheduling of further litigation proceedings, including rescheduling the pretrial conference. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/5/21. The court has reviewed plaintiffs' unilateral status report and plaintiffs' draft discovery dispute stipulation. No tentative ruling on the merits. The parties should discuss the status of their meet and confer efforts regarding plaintiffs' discovery requests and plaintiffs' anticipated discovery dispute motion. Appearances are required on 4/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT... Alfred Lee Stringer

Chapter 7

Prior tentative ruling as of 2/1/21. Appearances are required on 2/2/21 to discuss scheduling of further proceedings, including filing of a joint pretrial stipulation and scheduling the pretrial conference, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Alfred Lee Stringer	Pro Se
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Defendant(s):

Alfred Lee Stringer	Pro Se
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Plaintiff(s):

Mylaunna Lee	Represented By Albert L Chaney III
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Sharlet Marie Lee	Represented By Albert L Chaney III
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Trustee(s):

Elissa Miller (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, July 13, 2021

Hearing Room 1675

1:30 PM

2:19-22559 Eui Joon Park

Chapter 7

Adv#: 2:20-01023 Brad D. Krasnoff, Chapter 7 Trustee v. Park

#3.00 Cont's status conference re: Trustee's complaint: (1) to avoid and recover fraudulent transfer; (2) for turnover; and (3) for declaratory relief fr. 10/20/20, 12/15/20, 2/9/21

Docket 1

***** VACATED *** REASON: Cont'd from 7/13/21 to 1/18/22 at 1:30 p.m. per stip & order entered on 6/8/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/8/21. Off calendar. Continued by stipulation and order to 1/18/22 at 1:30 p.m. No appearances are required on 7/13/21.

Prior tentative ruling as of 2/5/21. Having reviewed the joint status report, the court would set the following amended pretrial schedule: (1) discovery cutoff date: 6/30/21; (2) deadline for joinder of new parties and amendment of pleadings, 3/15/21; (3) deadline for filing pretrial motions, 6/30/21; (4) deadline for hearing of pretrial motions, 8/31/21; (5) post-discovery status conference, 7/13/21 at 1:30 p.m.; (6) deadline for filing joint status report, 7/6/21.

Appearances are required on 2/9/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Eui Joon Park

Represented By
Young K Chang

Defendant(s):

Young Joo Park

Pro Se

Plaintiff(s):

Brad D. Krasnoff, Chapter 7 Trustee

Represented By

**United States Bankruptcy Court
Central District of California
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Tuesday, July 13, 2021

Hearing Room 1675

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CONT... Eui Joon Park

Chapter 7

Sonia Singh

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Zev Shechtman

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

Tuesday, July 13, 2021

Hearing Room 1675

2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#4.00 Cont'd hearing re: Motion for allowance and payment of an administrative expense claim pursuant to 11 U.S.C. §503 fr. 4/28/21, 5/26/21, 6/30/21

Docket 563

Tentative Ruling:

Revised and updated tentative ruling as of 7/12/21.

Having considered the moving, opposing, reply and sur-reply papers relating to the motion of Second Generation, Inc., for allowance and payment of administrative expense claim pursuant to 11 U.S.C. §503, the court issues the following tentative ruling.

Section 503(b)(3)(D) of the Bankruptcy Code, 11 U.S.C., provides that a creditor may recover attorneys' fees as an administrative expense if the creditor makes a "substantial contribution in a case under chapter . . .11. . . ." In order for such a claim to be allowed under this statute, the claimant must show that (1) it is a creditor and (2) it made a "substantial contribution to the case. In re Cellular 101, Inc., 377 F.3d 1092, 1096 (9th Cir 2004). According to the Ninth Circuit, "the principal test of substantial contribution is 'the extent of benefit to the estate'". Id. Services that "contribute to a case are those which foster and enhance rather than retard or interrupt the progress o[f] reorganization." Id., cited and quoted in In re 1250 Oceanside Partners, 519 B.R. 802, 806-807 (Bankr. D. Haw. 2014). In determining whether a creditor has made a substantial contribution, the courts have considered the following factors: (1) whether the services were undertaken solely for the benefit of the party itself or for the benefit of all parties in the case; (2) whether the services were actions that would have been taken by the parties on its own behalf, absent of an expectation of reimbursement from the estate; (3) whether the parties can demonstrate that its actions provided a direct, significant and demonstrable benefit to the estate; and (4) whether the actions were duplicative of those being taken by other parties in the case, such as the

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debtor, a trustee or an official committee. *Id.* at 807, citing and quoting, 4-503 Collier on Bankruptcy, ¶503.10[5][a] (14th ed. 2014). There is a split of case authority on the issue whether a creditor's motives are relevant or not, but the Ninth Circuit has not decided the issue, only stating that the extent of the benefits on the estate can outweigh concerns about the claimant's self-interest. *Id.*, citing, *In re Cellular 101, Inc.*, 377 F.3d at 1097. Nevertheless, courts construe 11 U.S.C. §503(b)(3) narrowly in order to hold administrative expenses to a minimum. *Id.*, citing *In re Sentinel Management Group, Inc.*, 404 B.R. 488, 494 (Bankr. N.D. Ill. 2009). As stated by one court, "The integrity of §503(b) can only be maintained by strictly limiting compensation to extraordinary creditor actions which lead directly to significant and tangible benefits to the creditors, debtor or the estate." *In re D.W.G.K. Restaurants, Inc.*, 84 B.R. 684, 690 (Bankr. S.D. Cal. 1988); see also, *In re Mortgages, Ltd.*, No. AZ-09-1412-KiJuMk, 2010 WL 6259981 (9th Cir. BAP 2010), slip op. at *8.

In applying the two part standard for substantial contribution under *In re Cellular 101*, there is no dispute that the claimant, Second Generation, is a creditor as it holds state court judgments against the debtor, and thus, the issue then is whether it made a "substantial contribution to the case. *In re Cellular 101, Inc.*, 377 F.3d at 1096.

At this time, it is unclear whether claimant has made a substantial contribution to the case because the case is administratively insolvent and since the plan trustee has not realized sufficient assets to pay any distributions to creditors other than claimant which apparently holds a secured claim of \$4.3 million. The expectation is that the sale of the Las Flores property based on 100% inclusion in the estate as community property at \$3.5 million would bring in value to creditors, but if claimant holds a claim secured by the Las Flores property exceeding its value, then it is uncertain whether there is any benefit to the case other than to claimant. Moreover, there is no final judgment as to the Las Flores property or on the other claims in the Voong adversary proceeding.

Thus, looking at the various Collier factors of (1) whether the services were undertaken solely for the benefit of the party itself or for the benefit of all parties in the case, it is unclear at this time whether creditors other than

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Judge Robert Kwan, Presiding
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Catherine Trinh

Chapter 11

claimant will benefit in this case from claimant's contribution; (2) whether the services were actions that would have been taken by the parties on its own behalf, absent of an expectation of reimbursement from the estate, this factor would be in claimant's favor as to the intervention in the adversary proceeding, but unclear as to plan confirmation; (3) whether the parties can demonstrate that its actions provided a direct, significant and demonstrable benefit to the estate, it is unclear at this time whether any creditors other than claimant will benefit from its contribution as this time since the plan assets have not been liquidated to make distributions to creditors; and (4) whether the actions were duplicative of those being taken by other parties in the case, such as the debtor, a trustee or an official committee, claimant seeking fees of \$119,919.50 for services relating to plan confirmation services, and counsel for debtor is seeking \$235,514.00 for plan confirmation services (for a total of \$335,433.50). According to claimant, it made a substantial contribution in objecting to, and later assisting, in negotiating a consensual plan, which raises the possibility of duplication of services. The court thus agrees with the objecting creditors in the surreply that it should postpone considering the motion until it considers the final fee application of counsel for debtor for services on the same tasks, and in the court's view, the review of the fees on the same tasks between counsel for debtor and counsel for claimant should be coordinated and consistent to avoid duplication of services. Thus, the court would continue the hearing on the pending motion to 9/16/21 at 2:00 p.m., which would be after the evidentiary hearing on the final fee application of counsel for debtor. Alternatively, the court could deny the motion without prejudice pending a showing of a probability of a distribution to creditors other than claimant (\$4.3 million) or professionals (over \$1 million) to demonstrate a significant and tangible benefit to the estate or the creditors.

Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/29/21. No tentative ruling on the merits. The court notes that movant filed additional factual material in its reply to the creditors' opposition to the motion and that the plan trustee filed a response to the motion partially in support and partially in opposition. The parties should

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Central District of California
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Chapter 11

advise whether there will be additional evidence to be offered on the motion and whether an evidentiary hearing is required to receive such evidence, which may include testimony, in order for the evidentiary record on the motion to be complete. In addition to the Ninth Circuit's opinion in *In re Cellular 101, Inc.*, 377 F.3d 1092 (9th Cir. 2004), the parties should consider the discussion and analysis of the applicable legal standard in the opinion of another court in the Ninth Circuit in *In re Oceanside Partners*, 519 B.R. 802 (Bankr. D. Haw. 2014), which the court finds to be useful and instructive, when they are preparing to argue on the motion. If an evidentiary hearing is required, the court expects that it would take 1-2 hours. Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/24/21. The court has received the unredacted billing entries submitted in camera to the court as requested at the prior hearing, which the court has reviewed. However, debtor filed on 5/19/21 a declaration in opposition to the motion, which is an untimely opposition to the motion. Certain creditors filed on 5/21/21 a motion to continue the hearing on the application, and other creditors filed a joinder to the motion to continue. The court is inclined to grant the motion to continue the hearing though not primarily due to the late filing of the debtor's opposition and of the creditors' motion to continue pursuant to Local Bankruptcy Rule 9013-1. Debtor has not stated a good reason to excuse her late filing, and creditors have not stated a good reason for their late motion to continue as they did not timely oppose the application before the initial hearing on the application or before the continued hearing on the motion. Their reason that the unredacted billing entries had not been filed is not a good reason for continuance as the court allowed applicant to submit the unredacted billing entries in camera as there was no objection to this at the initial hearing on the application. The court should continue the hearing primarily because it has concerns about the allowability of fees for objecting to the disclosure statement which was really to protect its own interests as opposed to the general interests of creditors and the estate, but the court is inclined to allow the fees for intervening and opposing the adversary proceeding brought by debtor's spouse regarding the transfer of the residence on behalf of creditors and the estate, and since the court has these

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CONT...

Catherine Trinh

Chapter 11

concerns, it may as well allow other parties to be heard on these concerns.

The creditors moving for continuance object to the fees of applicant in part because such fees are duplicative of fees for work performed by general bankruptcy counsel for debtor in possession, and this is also a reason for the court to continue the hearing because it has to also look at the fee application of general bankruptcy counsel for debtor in possession to evaluate whether there is such duplication. It makes sense in the court's view to continue the hearings on all professional fee applications to consider their interrelationships and to evaluate whether the fees are for services that are reasonable and beneficial to creditors and the estate.

In evaluating whether the unredacted billing statements of applicant should be filed as part of the public record or perhaps filed under seal with a protective order, it seemed to the court that the redactions were made to protect the confidentiality of communications with its client representative or the references to applicant's strategy pertaining to ongoing litigation. If such disclosure must be made, it may be required to be under seal with a protective order.

As to the pending motion to continue, the court will not rule on it before the hearing on 5/26/21, so the parties in interest could be heard on the motion, and the court and the parties can discuss scheduling of further proceedings.

Appearances are required on 5/26/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the motion because it requests fees for services for which numerous billing entries to substantiate the fees as actual, necessary expenses benefitting the bankruptcy estate under 11 U.S.C. 503(b)(3)(B) and (D) are redacted and the court is unable to determine whether the fees are actual, necessary expenses benefitting the estate without the redacted information describing the tasks performed by applicant. Applicant will need to submit unredacted billing entries for the court to complete its review of the requested fees, and thus, it appears that the hearing will need to be continued in order for movant to submit unredacted billing entries and for the court to review them.

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Los Angeles
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Hearing Room 1675

2:00 PM

CONT... Catherine Trinh

Chapter 11

Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Tuesday, July 13, 2021

Hearing Room 1675

3:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#5.00 Hearing re: Motion to extend deadline to commence litigation

Docket 626

Tentative Ruling:

Updated tentative ruling as of 7/10/21. The court set forth its tentative ruling in the order entered on 6/30/21 indicating that based on *In re Health Support Network, Inc.*, 2018 WL 1621027 (Bankr. M.D. Fla. 2019), the court lacks authority to extend the statute of limitations on nonbankruptcy state law claims pursuant to FRBP 9006(b) and 11 U.S.C. 108 as requested by the plan trustee, but indicated that cause shown for granting a limited extension under FRBP 9006(b) as to claims subject to the statute of limitations under 11 U.S.C. 546(a). Having reviewed the plan trustee's supplemental brief in response to the tentative ruling arguing that *In re Health Support Network, Inc.*, misinterprets *In re International Administrative Services, Inc.*, 408 F.3d 689 (11th Cir. 2005) which held that FRBP 9006(b) may support enlargement of deadlines for filing adversary proceedings subject to the Federal Rules of Bankruptcy Procedure. The extension of deadlines permitted under 11 U.S.C. 108 refers to applicable nonbankruptcy law, not the FRBP or an order of the court as permitted under FRBP 9006(b). The court thus respectfully disagrees with the plan trustee that the court in *In re Health Support Network, Inc.* misinterpreted 11 U.S.C. 108 and FRBP 9006 because his analysis does not account for the statutory language of 11 U.S.C. 108 that recognizes that the deadlines for the assertion of nonbankruptcy law claims are either two years after the order for relief or the end of the period under applicable nonbankruptcy law, which are otherwise matters of applicable nonbankruptcy law, and not matters of the FRBP or by order of the bankruptcy court. That other courts have allowed extensions of the deadlines under 11 U.S.C. 108 pursuant to FRBP 9006 in uncontested proceedings or without legal analysis does not make it right. Thus, the court in *In re Health Support Network* was right in not allowing an extension of deadlines under 11 U.S.C. 108 as to nonbankruptcy causes of action pursuant to FRBP 9006(b) under *In re International Administrative Services* after allowing it in a prior decision in *In re Fundamental Long Term Care, Inc.*, 501 B.R. 784 (Bankr. M.D. Fla. 2013). It is better to "fess up" and confess error than continuing to make it. It may well

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CONT...

Catherine Trinh

Chapter 11

be that there may be a remedy under applicable nonbankruptcy law, such as equitable tolling, as to extending deadlines in filing potential nonbankruptcy law claims that the estate possessed for purposes of 11 U.S.C. 108, but the court cannot extend such deadlines for a period of time based on FRBP 9006(b) as requested by the plan trustee, even if no one else objects. Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler
Steven R Fox

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

Wednesday, July 14, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1603609271>

ZoomGov meeting number: 160 360 9271

Password: 345167

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, July 14, 2021

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11:00 AM

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

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- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Wednesday, July 14, 2021

Hearing Room 1675

11:00 AM

2:17-15033 Shapphire Resources, LLC

Chapter 11

#1.00 Status conference re: Post confirmation of plan
fr. 11/18/20, 1/20/21, 3/17/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/8/21. No tentative ruling on the merits. Appearances are required on 7/14/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Shapphire Resources, LLC

Represented By
Raymond H. Aver

**United States Bankruptcy Court
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Wednesday, July 14, 2021

Hearing Room 1675

11:00 AM

2:18-13759 Charles Peters

Chapter 11

#2.00 Cont'd status conference re: Post confirmation of plan
fr. 12/16/20, 3/17/21, 5/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/8/21. No tentative ruling on the merits. Appearances are required on 7/14/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Charles Peters

Represented By
Frank Edel Blanco
Giovanni Orantes
Luis A Solorzano

**United States Bankruptcy Court
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Hearing Room 1675

11:30 AM

2:18-11475 Catherine Trinh

Chapter 11

#3.00 Cont'd hearing re: Application for payment of final fees and/or expenses of LEA Accountancy, LLP, Accountant
fr. 4/28/21, 6/9/21, 6/30/21

Docket 568

Tentative Ruling:

Revised and updated tentative ruling as of 7/12/21.

Applicant billed \$43,624.50 for preparing monthly operating reports for 36 months in the case. The amount is excessive since the reports were substantially the same, consisting of debtor's employment income, her household expenses, and her case administrative expenses. The work should have been performed by a lower cost paralegal or administrative assistant, and the court determines that a reasonable amount would be \$400.00 per report, or 2 hours at \$200.00 per amount, or \$14,400.00. Fees will be reduced for this category in the amount of \$29,224.50

Regarding category of initial review of case, applicant billed 0.3 hour at \$93.00 by T. Kincaid on 3/1/18 for reviewing a writ of attachment, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of first amended plan, applicant billed 0.3 hour at \$136.50 by S. Leslie on 3/28/19 for call with M. Lieberman (no purpose of call stated), the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of first amended plan, applicant billed 6.1 hours at \$2,257.00 by T. Fussell on 3/29/19 for reformatting each entities worksheet to for consistency and understanding, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of first amended plan, applicant billed 4.7 hours at \$1,457.00 by T. Kincaid on 3/29/19 for revisions to exhibits to include Muscatel properties; calls re same, the court will disallow the fees for lack of necessity or benefit to the estate.

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Regarding category of first amended plan, applicant billed 0.6 hour at \$273.00 by S. Leslie on 4/3/19 for continue preparation for hearing on exclusivity period; follow up call with T. Kincaid, 1.8 hours at \$819.00 by S. Leslie on 4/3/19 for travel to and attend amended plan hearing; follow up discussion with M. Lieberman re same, and 0.2 hour at \$91.00 by S. Leslie on 4/5/19 for review docket and email M. Lieberman re second amended plan, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of second amended plan, applicant billed 2.1 hours at \$651.00 by T. Kincaid on 4/3/19 for review second amended plan and opposition, 4.9 hours at \$1,519.00 by T. Kincaid on 4/8/19 for review second amended plan per M. Lieberman request, 0.6 hour at \$273.00 by S. Leslie on 4/8/19 for call with T. Kincaid and continue review of the second amended disclosure plan, 6.4 hours at \$1,984.00 by T. Kincaid on 4/9/19 or review second amended plan revisions per M. Lieberman request and tie out to all subsidiary exhibit support, 2.9 hours at \$899.00 by T. Kincaid on 4/10/19 for continue review second amended plan revisions per M. Lieberman request and tie out to all subsidiary exhibit support, 3.1 hours at \$961.00 by T. Kincaid on 4/10/19 for continue review second amended plan revisions per M. Lieberman request and tie out to all subsidiary exhibit support, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of second amended plan, applicant billed 1.6 hours at \$728.00 by S. Leslie on 5/15/19 for review objection to amended plan, 4.4 hours at \$1,364.00 by T. Kincaid on 5/15/19 for review objection to amended plan, 1.3 hours at \$591.50 by S. Leslie on 5/15/19 for prepare for hearing, review docket and continued review of objection, 0.5 hours at \$227.50 by S. Leslie on 5/15/19 for prepare for hearing, review \$47 mm proof of claim, and 3.5 hours at \$1,592.50 by S. Leslie for travel to/from and attend hearing on amended plan, conference with M. Lieberman the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of second amended plan, applicant billed 0.1 hour at \$31.00 by T. Kincaid on 5/16/19 for emails on results of hearing, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of second amended plan, applicant billed 0.8 hour at

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\$248.00 by T. Kincaid on 5/16/19 for conference call with S. Leslie, M. Lieberman and A. Forsley, the court will disallow the fees for lack of necessity or benefit to the estate (the court will also 0.8 hour at \$364.00 by S. Leslie for the same call).

Regarding category of third amended plan, applicant billed 0.9 hour at \$288.00 by T. Kincaid on 11/25/19 for analysis of monthly expenses and separation by category; compare to expectation – April 2019, 0.8 hour at \$256.00 by T. Kincaid on 11/25/19 for analysis of monthly expenses and separation by category; compare to expectation – April 2019, 0.9 hour at \$288.00 by T. Kincaid on 11/25/19 for analysis of monthly expenses and separation by category; compare to expectation – May 2019, 1.0 hour at \$320.00 by T. Kincaid on 11/25/19 for analysis of monthly expenses and separation by category; compare to expectation – June 2019, 0.9 hour at \$288.00 by T. Kincaid on 11/25/19 for analysis of monthly expenses and separation by category; compare to expectation – July 2019, 1.0 hour at \$320.00 by T. Kincaid on 11/26/19 for analysis of monthly expenses and separation by category; compare to expectation – August 2019, 0.9 hour at \$288.00 by T. Kincaid on 11/26/19 for analysis of monthly expenses and separation by category; compare to expectation – September 2019, 1.1 hours at \$352.00 by T. Kincaid on 11/26/19 for analysis of monthly expenses and separation by category; compare to expectation – October 2019, 2.2 hours at \$704.00 by T. Kincaid on 11/26/19 for analysis of projected expenses, attempts to reach client, 3.1 hours at \$992.00 by T. Kincaid on 11/27/19 for prepare schedule of actual v. predicted expenses, analysis of go forward numbers, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of third amended plan, applicant billed 1.6 hours at \$512.00 by T. Kincaid on 12/15/19 for prepare valuation of Muscatel properties, 2.7 hours at \$864.00 by T. Kincaid on 12/16/19 for continued valuation of estate, and 1.1 hours at \$352.00 by T. Kincaid on 12/17/19 for review Kody Branch trustee claim and response, the court will disallow the fees for lack of necessity or benefit to the estate.

Regarding category of fee applications, applicant billed 0.2 hour at \$91.00 by S. Leslie on 9/6/18 for review UST objection to counsel's fees, the court will

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disallow the fees for lack of necessity or benefit to the estate.

Regarding category of expenses, applicant billed \$45.00 for courtesy copy delivery of the declaration that no party requested a hearing on LEA's application to employ on 4/5/18, \$30.00 for courtesy copy delivery of LEA's first interim application for compensation, and \$30.00 for courtesy copy delivery of the declaration in support of LEA's first interim application for compensation (client statement), the court will disallow the fees for lack of necessity or benefit to the estate (no necessity shown pursuant to LBR 5005-2(d)).

The court will allow fees of \$86,524.00 and disallow fees of \$51,335.50.

The court will allow expenses of \$228.71 and disallow expenses of \$105.00.

Appearances are required on 7/14/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 6/29/21. Having reviewed the fee application, the court determines that it will have to conduct an evidentiary hearing and hear testimony from applicant as to the services that it performed for the estate that its claims are compensable as necessary, reasonable and beneficial to the estate within the meaning of 11 U.S.C. 330. The court has a concern that the fees for preparing monthly operating reports over 36 months totaled \$43,624.50 for applicant alone (and not including fees of \$23,595.50 claimed by general bankruptcy counsel for debtor for the same work) appear to be excessive and unreasonable in light of the fact that the MORs should have been simple and straightforward as the income and expenses only involved debtor who was employed and had only wage income and her household expenses and each MOR is substantially similar that it should not have cost so much once a template for the first few MORs was established. The court has reviewed the application line by line and has concerns about specific entries that it will go over with applicant at the evidentiary hearing and hear applicant's testimony about how the specific entries were for services that were necessary, reasonable and beneficial to the estate. Interested parties should also consider the applicable legal standard for reasonableness under 11 U.S.C. 330 discussed in the tentative ruling on matter number 8. The court

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estimates that the hearing will take about one hour.

Appearances are required on 6/30/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/26/21. The court is unable to complete its review of the application because: (1) no detailed explanation of the expenses of \$333.71 is contained in the application in order for the court to determine the reasonableness of the expenses under 11 U.S.C. 330; and (2) the court has not completed its review for reasonableness under 11 U.S.C. 330 of the fees for services performed as reflected in the billing entries attached to the application). In conducting this review, the court will have to review matters on the docket, such as the monthly operating reports, and fee applications of other professionals because it seems to the court that some of the fees are not reasonable. For example, the court has noted that fees of about \$1,000 are requested for each monthly operating report prepared by applicant, and in addition, fees of about \$1,000 are also billed for each operating report by other professionals working with applicant (i.e., counsel), so that fees of about \$2,000 are billed for each monthly operating report filed in this case, which seems excessive to the court. The court also expects to disallow fees of applicant of several thousand dollars for attending disclosure statement hearings, which were unnecessary in the court's view, as other professionals (i.e., counsel) were appearing for debtor. The court expects to review the reasonableness of fees of all professionals on specific tasks to determine the reasonableness of all fees claimed. Applicant will need to submit billing entries for the claimed expenses for the court to complete its review of the application, and thus, it appears that the hearing will need to be continued in order for movant to submit billing entries for claimed expenses and for the court to review them and the other fees claimed. Given these concerns over reasonableness, which at this time the court does not expect to be substantial, instead of conducting an exhaustive review of the voluminous billing entries submitted by applicant, after further review, the court may "impose a small reduction, no greater than 10 percent—a 'haircut'—based on its exercise of discretion and without a more specific explanation." See *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).

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Appearances are required on 4/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

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2:00-00000

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#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614109523>

ZoomGov meeting number: 161 410 9523

Password: 686823

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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Thursday, July 15, 2021

Hearing Room 1675

10:30 AM

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

#1.00 Cont'd hearing re: Second motion for attorney's fees and costs
fr. 5/27/21, 6/10/21

Docket 221

***** VACATED *** REASON: Per order entered on 7/7/21-mb.**

Courtroom Deputy:

[Cont'd from 6/10/21 to 7/15/21 at 10:30 a.m. per order entered on 5/19/21]

Tentative Ruling:

Off calendar. Hearing vacated by order entered on 7/7/21. A status conference on rescheduling the hearing will be conducted on 8/3/21 at 2:00 p.m. No appearances are required on 7/15/21.

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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1:00 PM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610337328>

ZoomGov meeting number: 161 033 7328

Password: 528544

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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Hearing Room 1675

1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#2.00 CONT'D TRIAL 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. 6/17/21, 6/21/21, 7/9/21

Docket 1

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Thursday, July 15, 2021

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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

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2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:14-01088 Clark v. Farris-Ellison

#3.00 CONT'D TRIAL 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. 6/17/21, 6/21/21, 7/9/21

Docket 1

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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CONT... Rita Gail Farris-Ellison

Chapter 7

Christian T Kim

Sam S Leslie (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
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1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#4.00 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. 6/17/21, 6/21/21, 7/9/21

Docket 351

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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CONT... Rita Gail Farris-Ellison

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#5.00 Cont'd hearing re: Motion to amend adversary complaint and to add Jennifer, quiet title, cancel the deed and note
fr. 6/17/21, 6/21/21, 7/9/21

Docket 399

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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CONT... Rita Gail Farris-Ellison

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#6.00 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. 6/17/21, 6/21/21, 7/9/21

Docket 362

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#7.00 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. 6/17/21, 6/21/21, 7/9/21

Docket 397

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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CONT... Rita Gail Farris-Ellison

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#8.00 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. 6/17/21, 6/21/21, 7/9/21

Docket 412

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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CONT... Rita Gail Farris-Ellison

Chapter 7

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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Courtroom 1675 Calendar**

Thursday, July 15, 2021

Hearing Room 1675

1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#9.00 Cont'd 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 fr. 6/17/21, 6/21/21, 7/9/21

Docket 390

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, July 15, 2021

Hearing Room 1675

1:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, July 15, 2021

Hearing Room 1675

1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#10.00 Cont'd hearing re: Plaintiff/creditor, James Lee Clark's notice of motion to compel further discovery responses to defendant/debtor Rita Gail Ellison-Farris fr. 6/17/21, 6/21/21, 7/9/21

Docket 377

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, July 15, 2021

Hearing Room 1675

1:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, July 15, 2021

Hearing Room 1675

1:00 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

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

#11.00 Cont'd hearing re: Motion to abstain
fr. 6/17/21, 6/21/21, 7/9/21

Docket 414

Courtroom Deputy:

[Cont'd from 7/9/21 to 7/15/21 at 1:00 p.m. per order entered on 7/8/21]

Tentative Ruling:

Updated tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/9/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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

Thursday, July 15, 2021

Hearing Room 1675

1:00 PM

CONT... Rita Gail Farris-Ellison

Chapter 7

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, July 27, 2021

Hearing Room 1675

10:30 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608163032>

ZoomGov meeting number: 160 816 3032

Password: 265645

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, July 27, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, July 27, 2021

Hearing Room 1675

10:30 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#1.00 Cont'd hearing re: Motion for relief from stay
(Wells Fargo Bank, N.A. VS Debtors)
fr. 6/29/21

Docket 297

***** VACATED *** REASON: Cont'd from 7/27/21 to 9/14/21 at 11:00 a.m.
per stip & order entered on 7/22/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/23/21. Off calendar. Continued by stipulation and order to 9/14/21 at 11:00 a.m. No appearances are required on 7/27/21.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Tuesday, July 27, 2021

Hearing Room 1675

11:00 AM

2:18-11525 Shahriar Joseph Zargar and Shabnam Mesachi

Chapter 11

#2.00 Cont'd hearing re: Motion for relief from stay
(Wells Fargo Bank, N.A. VS Debtors)
fr. 6/29/21

Docket 297

***** VACATED *** REASON: Matter to remain and be heard on the 10:30
a.m. calendar-mb.**

Tentative Ruling:

The matter rescheduled for the 10:30 a.m. calendar is now continued by stipulation and order to 9/14/21 at 11:00 a.m. No appearances are required on 7/27/21.

Party Information

Debtor(s):

Shahriar Joseph Zargar

Represented By
Raymond H. Aver

Joint Debtor(s):

Shabnam Mesachi

Represented By
Raymond H. Aver

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

Tuesday, July 27, 2021

Hearing Room 1675

11:00 AM

2:19-24787 Bradley Edward Barnes and Allison Platz Barnes

Chapter 7

#3.00 Hearing re: Motion for relief from stay
(CapitalSource Finance LLC VS Debtors)

Docket 118

Tentative Ruling:

Updated tentative ruling as of 7/26/21. The court has reviewed counsel's declaration in compliance with the court's directive in its tentative ruling. The court emphasizes that it expects compliance with the requirement of service of a judge's copy of pleadings in excess of 25 pages as required by LBR 5005-2(d). The judge, whose staff is also working remotely has, as an accommodation to movant's counsel, printed out his own judge's copy of the 149-page motion to read and is prepared to discuss the motion with counsel at the hearing. Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/23/21. The court notes that movant through counsel failed to serve a judge's copy of the motion, including exhibits (Docket No. 118), consisting of 149 pages, in violation of LBR 5005-2(d) as the proof of service of the application states that no service of the required judge's copy per General Order 21-05, which statement is erroneous because the general order does not except the motion from the service requirement of LBR 5005-2(d). The pandemic exception temporarily suspending the requirement of service of a judge's copy under General Order 21-05 applies only to documents 25 pages in length or less, including exhibits, and does not apply to the motion, including exhibits, which is 149 pages in length.

The language of General Order 21-05 provides: "Except for documents over 25 pages, including exhibits, the requirement to deliver judges' copies of documents to chambers (LBR 5005-2(d)) continues to be temporarily suspended – including delivery via U.S. mail, personal delivery, or any other means. Documents over 25 pages should still be provided unless the judge's specific updated instructions have waived that requirement. Parties are reminded that the judge and chambers' staff do not receive electronic notices

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, July 27, 2021

Hearing Room 1675

11:00 AM

CONT... **Bradley Edward Barnes and Allison Platz Barnes**

Chapter 7

of filings, and therefore, (a) for documents that are filed late, and (b) for matters that are either (i) not set for hearing, or (ii) not the subject of an electronically uploaded order (LOU), parties must contact the chambers of the presiding judge and advise chambers of the filing."

In lieu of sanctions for the violation of LBR 5005-2(d) and the misinterpretation of the court's general order, the court will order counsel for movant to file a declaration under penalty of perjury that he has read LBR 5005-2(d), General Order 21-05, that he has instructed his staff to read these legal authorities and that he and his staff will comply with the court's service requirements pursuant to these authorities in the future.

Normally, the court continues the hearing for violations of LBR 5005-2(d) to enforce compliance of its rule, but counsel may appear and address why the hearing should not be continued for such compliance. Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Bradley Edward Barnes

Represented By
Susan I Montgomery

Joint Debtor(s):

Allison Platz Barnes

Represented By
Susan I Montgomery

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 27, 2021

Hearing Room 1675

1:30 PM

2:16-24931 Anthony Roy Martinez

Chapter 7

Adv#: 2:17-01158 Carter et al v. Martinez

#4.00 Cont'd 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. 1/12/21, 3/16/21, 6/1/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/23/21. No tentative ruling on the merits. Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

Adamantine Investments LLC

Represented By
Dana M Douglas

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

Tuesday, July 27, 2021

Hearing Room 1675

1:30 PM

CONT... **Anthony Roy Martinez**
Sterling Holdings LLC

Chapter 7

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, July 27, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01471 Avery v. Los Angeles County Tax Collector

#5.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers fr. 11/17/20, 2/2/21, 6/15/21

Docket 1

***** VACATED *** REASON: Cont'd from 7/27/21 to 8/31/21 at 1:30 p.m. per stip & order entered on 6/23/21-pp.**

Tentative Ruling:

Updated tentative ruling as of 7/23/21. Off calendar. Continued by stipulation and order to 8/31/21 at 1:30 p.m. No appearances are required on 7/27/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Los Angeles County Tax Collector

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, July 27, 2021

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

#6.00 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. 2/2/21, 4/13/21, 6/1/21

Docket 1

***** VACATED *** REASON: Dismissed by stipulation-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/23/21. The status conference is moot because the adversary proceeding was dismissed by stipulation. No appearances are required on 7/27/21.

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
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Tuesday, July 27, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 11

Adv#: 2:19-01102 Sunderland et al v. Okland

#7.00 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. 1/12/21, 3/30/21, 4/27/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/23/21. No tentative ruling on the merits. Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Tuesday, July 27, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01367 Bandy et al v. Okland

#8.00 Cont'd status conference re: Complaint to determine dischargeability of debt
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4)
fr. 3/16/21, 5/11/21, 5/18/21

Docket 1

***** VACATED *** REASON: Judgment entered on 7/19/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/23/21. Off calendar. The status conference is moot as the court has entered default judgment in this adversary proceeding. No No appearances are required on 7/27/21.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Garrett Bandy	Represented By David S Hagen
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Heather Foster	Represented By David S Hagen
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Trustee(s):

Howard M Ehrenberg (TR)	Represented By Jeffrey S Shinbrot
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, July 27, 2021

Hearing Room 1675

1:30 PM

2:20-16098 Jaime Arellano

Chapter 7

Adv#: 2:20-01624 Travelers Express Company Inc. now known as Moneyg v. Arellano

#9.00 Cont'd status conference re: Complaint to determine the dischargeability of a debt and to object to discharge of the debtor
fr. 11/17/20

Docket 1

***** VACATED *** REASON: Cont'd from 7/27/21 to 10/26/21 at 1:30 p.m.
per stip & order entered on 4/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/23/21. Off calendar. Continued by stipulation and order to 10/26/21 at 1:30 p.m. No appearances are required on 7/27/21.

Prior tentative ruling. Set a discovery cutoff date of 6/30/21 and a post-discovery status conference on 7/27/21 at 1:30 p.m. with a joint status report due on 7/13/21. Order the matter to mediation, and the parties to file a selection of mediator and alternate mediator by 2/28/21 and complete mediation by 7/27/21. Appearances are required on 11/17/20, but counsel and self-represented parties must appear by telephone. Plaintiff to submit a proposed scheduling order within 7 days of the status conference.

Party Information

Debtor(s):

Jaime Arellano

Represented By
Steven A Alpert

Defendant(s):

Jaime Arellano

Pro Se

Plaintiff(s):

Travelers Express Company Inc.

Represented By
Robert L Rentto

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

Tuesday, July 27, 2021

Hearing Room 1675

1:30 PM

CONT... Jaime Arellano

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, July 27, 2021

Hearing Room 1675

2:00 PM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#10.00 Hearing re: Motion for an order relieving Bahram Madaen, Esq. from Madaen Law Firm as counsel for defendant Jong Joo Kim and Sun Y. Kim

Docket 70

Tentative Ruling:

No tentative ruling as of 7/23/21. Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Jong J Kim

Represented By
Bahram Madaen

Defendant(s):

Jong Joo Kim

Represented By
Bahram Madaen

Sun Y Kim

Represented By
Bahram Madaen

Joint Debtor(s):

Sun Y Kim

Represented By
Bahram Madaen

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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Courtroom 1675 Calendar**

Tuesday, July 27, 2021

Hearing Room 1675

2:00 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
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Tuesday, July 27, 2021

Hearing Room 1675

2:00 PM

2:18-11475 Catherine Trinh

Chapter 11

#10.10 Cont'd hearing re: Motion to extend deadline to commence litigation
fr. 7/13/21

Docket 626

Tentative Ruling:

Updated tentative ruling as of 7/26/21. Grant in part and deny in part the plan trustee's motion to extend deadline to commence litigation. First, grant the motion in part and extend the deadlines to file adversary proceedings to allege claims subject to deadlines under 11 U.S.C. §§ 546 and 549 to December 6, 2021 pursuant to the authority of the court to extend such deadlines for cause pursuant to Federal Rule of Bankruptcy Procedure 9006(b). In re International Administrative Services, Inc., 408 F.3d 689 (11th Cir. 2005); In re Fundamental Long Term Care, Inc., 501 B.R. 784, 787-791 (Bankr. M.D. Fla. 2013). Cause is shown under FRBP 9006(b) that the plan trustee only assumed his duties when the plan trust was created on the effective date of the confirmed plan of reorganization in this case confirmed on January 29, 2021, and the court determines that the plan trustee's request for an extension of the deadlines for six months is reasonable because only having recently assumed his duties, he needs more time to independently review the claims and causes of action held by the plan trust to administer the plan trust for the benefit of creditors. Second, deny the motion in part and not extend the deadlines to file actions to allege claims subject to deadlines under 11 U.S.C. § 108(a) because the court does not have authority to extend such deadlines which are expressly governed by nonbankruptcy law, and is not subject to extension pursuant to Federal Rule of Bankruptcy Procedure 9006(b) which is applicable to deadlines set by the FRBP and court orders. In re Health Support Network, Inc., Case No. 8:15-bk-10966-MGW, 2018 WL 1621027 (Bankr. M.D. Fla. Mar. 30, 2018), slip op. at *2-3; but see, In re Campbellton-Graceville Hospital Corp., 616 B.R. 177, 186-189 (Bankr. M.D. Fla. 2019) (expressing a contrary view in dicta). 11 U.S.C. §108(a) provides that if applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding or an agreement fixes a period which the debtor may commence an action, and such period had not expired before the petition was filed, the trustee may commence such action only before the later of such period,

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, July 27, 2021

Hearing Room 1675

2:00 PM

CONT...

Catherine Trinh

Chapter 11

including any suspension of such period on or occurring after the commencement of the case or two years after the order for relief. Thus, the trustee is given a two year extension of time to commence litigation on nonbankruptcy law claims, or if the time period under applicable nonbankruptcy law has not expired, whichever is later. The court disagrees with the plan trustee's proposition that the deadlines under 11 U.S.C. §108(a) may be extended as necessary to carry out the provisions of the Bankruptcy Code pursuant to 11 U.S.C. §105(a), arguing that the purpose of 11 U.S.C. § 108(a) "to give the trustee or debtor sufficient time to decide whether to start a lawsuit," citing, *Seawinds v. Nedlloyd Lines, B.V.*, 80 B.R. 181, 189 (N.D. Cal. 1987)(dicta as court found 11 U.S.C. §108(a) inapplicable in that case). The statute carries out that purpose by providing an automatic two year extension for the trustee to make such decision or more time, if the limitations period under applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding or an agreement has not otherwise expired. But for the two year initial extension of the limitations period to commence actions on nonbankruptcy law claims, 11 U.S.C. §108(a) does not authorize any other extensions of the deadlines, stating that the deadlines are fixed by applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding or an agreement. Allowance of an extension of the deadlines under 11 U.S.C. § 108(a) as requested by the plan agent would contravene the express command of the statute that the deadlines are fixed by applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding or an agreement. *Law v. Siegel*, 571 U.S. 415, 421 (2014) ("In exercising those statutory [i.e., 11 U.S.C. § 105(a)] and inherent powers, a bankruptcy court may not contravene specific statutory provisions."). The plan trustee's reliance on the Eleventh Circuit's opinion in *International Administrative Services* as supporting his position is misplaced because the court in that case did not address 11 U.S.C. §108(a). The suggestion by the court in *Campbellton-Graceville Hospital Corp.* that the *International Administrative Services* opinion should not be read narrowly to preclude extensions of the deadlines under 11 U.S.C. §108(a) as held by the court in *Health Support Network* is only that, a suggestion. As to whether the rationale of *International Administrative Services* may apply to 11 U.S.C. §108(a) in that nonbankruptcy law claims may be brought by adversary proceedings pursuant to Federal Rules of Civil Procedure 7001 and 7003, and therefore the deadlines under 11 U.S.C. §108(a) may be extended if such claims are brought by adversary

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, July 27, 2021

Hearing Room 1675

2:00 PM

CONT...

Catherine Trinh

Chapter 11

proceedings as suggested by the court in Campbellton-Graceville Hospital Corp., the court disagrees as one, the Eleventh Circuit never addressed 11 U.S.C. § 108(a) in International Administrative Services; two, the standard for fixing the limitations periods under 11 U.S.C. §108(a) is governed by nonbankruptcy law, and application of Federal Rule of Bankruptcy Procedure 9006(b) for such an extension would conflict with the express statutory standard of 11 U.S.C. §108(a) of nonbankruptcy law; three, it would not be for this court to make such extension under 11 U.S.C. §108(a) since the statutory language refers only to applicable nonbankruptcy law, orders entered in a nonbankruptcy proceeding (i.e., orders by a court other than the bankruptcy court) or an agreement, see, In re Health Support Network, Inc., slip op. at * 2-3, and there is no binding authority in the Ninth Circuit on the issue, so the court is inclined to adhere to the express statutory language of 11 U.S.C. § 108(a) which provides that nonbankruptcy law governs the fixing of the time periods under 11 U.S.C. 108(a) other than the two-year automatic extension.

Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/10/21. The court set forth its tentative ruling in the order entered on 6/30/21 indicating that based on In re Health Support Network, Inc., 2018 WL 1621027 (Bankr. M.D. Fla. 2019), the court lacks authority to extend the statute of limitations on nonbankruptcy state law claims pursuant to FRBP 9006(b) and 11 U.S.C. 108 as requested by the plan trustee, but indicated that cause shown for granting a limited extension under FRBP 9006(b) as to claims subject to the statute of limitations under 11 U.S.C. 546(a). Having reviewed the plan trustee's supplemental brief in response to the tentative ruling arguing that In re Health Support Network, Inc., misinterprets In re International Administrative Services, Inc., 408 F.3d 689 (11th Cir. 2005) which held that FRBP 9006(b) may support enlargement of deadlines for filing adversary proceedings subject to the Federal Rules of Bankruptcy Procedure. The extension of deadlines permitted under 11 U.S.C. 108 refers to applicable nonbankruptcy law, not the FRBP or an order of the court as permitted under FRBP 9006(b). The court thus respectfully disagrees with the plan trustee that the court in In re Health Support Network

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

Tuesday, July 27, 2021

Hearing Room 1675

2:00 PM

CONT...

Catherine Trinh

Chapter 11

misinterpreted 11 U.S.C. 108 and FRBP 9006 because his analysis does not account for the statutory language of 11 U.S.C. 108 that recognizes that the deadlines for the assertion of nonbankruptcy law claims are either two years after the order for relief or the end of the period under applicable nonbankruptcy law, which are otherwise matters of applicable nonbankruptcy law, and not matters of the FRBP or by order of the bankruptcy court. That other courts have allowed extensions of the deadlines under 11 U.S.C. 108 pursuant to FRBP 9006 in uncontested proceedings or without legal analysis does not make it right. Thus, the court in *In re Health Support Network* was right in not allowing an extension of deadlines under 11 U.S.C. 108 as to nonbankruptcy causes of action pursuant to FRBP 9006(b) under *In re International Administrative Services* after allowing it in a prior decision in *In re Fundamental Long Term Care, Inc.*, 501 B.R. 784 (Bankr. M.D. Fla. 2013). It is better to "fess up" and confess error than continuing to make it. It may well be that there may be a remedy under applicable nonbankruptcy law, such as equitable tolling, as to extending deadlines in filing potential nonbankruptcy law claims that the estate possessed for purposes of 11 U.S.C. 108, but the court cannot extend such deadlines for a period of time based on FRBP 9006(b) as requested by the plan trustee, even if no one else objects. Appearances are required on 7/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler
Steven R Fox

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

Tuesday, July 27, 2021

Hearing Room 1675

2:30 PM

2:18-22948 Ciro L Perez and Maria M Perez

Chapter 7

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

Docket 40

Tentative Ruling:

Approve the final report and fee application of the trustee for the reasons stated in the final report and fee application and for lack of timely written objection because the court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h). Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Ciro L Perez

Represented By
Peter L Lago
Kerry P O'Brien

Joint Debtor(s):

Maria M Perez

Represented By
Peter L Lago
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**

Tuesday, July 27, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01102 Sunderland et al v. Okland

#12.00 Hearing re: Plaintiffs' motion for default judgment against defendant Dean Okland

Docket 106

Tentative Ruling:

Revised and updated tentative ruling as of 7/23/21. Regarding plaintiffs' motion for default judgment, the court has the following concerns that need to be addressed. First, because the underlying debts have not been liquidated, the court will have to determine the underlying state law torts to support the claims of nondischargeability under 11 U.S.C. 523(a)(2)(A), (a)(4) and (a)(6). In re Bailey, 197 F.3d 997, 1000 (9th Cir. 1999). While the complaint alleges fraud, it does not specify the standard for fraud under appropriate state law, and the motion for default judgment does not contain any points and authority to set out the appropriate standard. Plaintiffs will have to set forth the appropriate legal standard under state law for their underlying fraud claims. Lu v. Liu (In re Liu), 282 B.R. 904, 907-908 (Bankr. C.D. Cal. 2002) (bankruptcy court has discretion to require a plaintiff to prove up entitlement to default judgment). The allegations in the complaint about false or fraudulent misrepresentations are vague and conclusory, and the statements in the Sunderland declaration and in the motion are unclear as to who made, and what were, the alleged misrepresentations (references are made to statements by "Seller, Dorfman, Okland and their real estate agent, Stacy Blaugrund," or by all or some of them together (if the statements are made by someone other than defendant, plaintiffs have not explained how such statements can be attributed to him for purposes of determining intent under 11 U.S.C. 523(a)(2)(A)). Second, assuming the debts are liquidated, plaintiffs do not show how each of the elements of claims under 11 U.S.C. 523(a)(2)(A), (a)(4) and (a)(6) is satisfied to establish that the debts are excepted from discharge. The elements are not discussed, and the evidence to support the existence of the elements is not identified. Third, the amount of damages claimed in the motion exceeds the amount alleged in the complaint of \$400,000. As a matter of fundamental fairness and due process of law, the amount awarded on default cannot exceed the prayer in the complaint.

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

Tuesday, July 27, 2021

Hearing Room 1675

2:30 PM

CONT...

Dean Henrik Okland

Chapter 7

Federal Rule of Civil Procedure 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."); Fehlhaver v. Fehlhaver, 681 F.2d 1015, 1024-1025 (5th Cir. 1982). Strictly speaking, the prayer in the complaint demands damages of at least \$400,000, but this does not put defendant on notice of a specific amount exceeding \$400,000, but it would be fundamentally unfair to award more than what was specifically requested in the complaint. Plaintiffs can request leave to amend the complaint to seek a higher amount or be prepared to prove damages as alleged in the complaint of \$400,000. Fourth, the allegations in support of the claim for punitive damages are too vague and conclusory to establish what defendant did constitutes malice, fraud or oppression for purposes of California Civil Code §3294. Fifth, plaintiffs have not established the existence of a contingency fee arrangement with their counsel in establishing their claims and have not otherwise shown that such a contingency fee would be a reasonable fee pursuant to the parties' contract for purposes of California Civil Code §1717 (i.e., no copy of the contingent fee arrangement is in the record).

Appearances are required on 7/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Dean Henrik Okland

Pro Se

Defendant(s):

Dean Henrik Okland

Represented By
Gary R Wallace

Plaintiff(s):

HOWARD M EHRENBERG

Represented By
Jeffrey S Shinbrot

Jennifer Sunderland

Represented By
Kimberly Wright

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, July 27, 2021

Hearing Room 1675

2:30 PM

CONT... Dean Henrik Okland

Chapter 7

James Farrow

Represented By
Kimberly Wright

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**

Wednesday, July 28, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606499484>

ZoomGov meeting number: 160 649 9484

Password: 705851

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Wednesday, July 28, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, July 28, 2021

Hearing Room 1675

11:00 AM

2:13-29180 Sarkis Investments Company, LLC

Chapter 11

#1.00 Hearing re: Second and final application for approval of compensation and expense reimbursement of Foley & Lardner, LLP

Docket 794

Tentative Ruling:

Approve second and final fee application of Foley & Lardner LLP, general bankruptcy counsel to debtor in possession, seeking allowance of fees and expenses totaling \$318,692.19 for the reasons stated in the application and for lack of timely written objection, and allow fees and expenses totaling \$254,258.04 based on applicant's voluntary reductions as stated in its application at page 5, of which amount \$201,820.45 remains to be paid. Appearances are optional on 7/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, July 28, 2021

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. 4/28/21, 5/26/21, 6/30/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/26/21. It appears that based on the tentative ruling on the second and final fee application of Foley & Lardner LLP, general bankruptcy counsel to debtor in possession, the prior order for conditional dismissal of the case and the the prior order resolving the Zehnaly claim objection, the case is finally resolved. Otherwise, no tentative ruling on the merits. Appearances are required on 7/28/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, July 28, 2021

Hearing Room 1675

11:00 AM

2:20-20799 Seung Hyeon Pak

Chapter 11

#3.00 Hearing re: Application for payment of interim fees and/or expenses of A.O.E. Law & Associates, APC for Anthony Obehi Egbase, Debtor's Attorney, Period: 12/9/2020 to 6/16/2021, Fee: \$13,780.00, Expenses: \$9.70.

Docket 89

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the first interim fee application of the general bankruptcy counsel for debtor in possession, the court determines that oral argument on the interim fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the interim fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the interim fee application on the papers, and approves the interim fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 7/28/21. Applicant or trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Seung Hyeon Pak

Represented By
Anthony Obehi Egbase

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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

Thursday, July 29, 2021

Hearing Room 1675

10:30 AM

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

#1.00 CONT'D CLOSING ARGUMENTS FOR TRIAL BY ZOOM: 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. 2/19/21, 6/10/21, 6/24/21

Docket 1

***** VACATED *** REASON: Per order entered on 7/7/21-mb.**

Courtroom Deputy:

[Cont'd from 6/24/21 to 7/29/21 at 10:30 a.m. per order entered on 5/19/21]

Tentative Ruling:

Updated tentative ruling as of 7/8/21. Off calendar. Hearing vacated by order entered on 7/7/21. A status conference on rescheduling the hearing will be conducted on 8/3/21 at 2:00 p.m. No appearances are required on 7/29/21.

Prior tentative ruling. The trial will be conducted via Zoom for Government. Participants in the trial will be connected with the courtroom via Zoom for Government but will not be physically present in the courtroom.

a. Video. Utilize the following link:

<https://cacb.zoomgov.com/j/1614109523>
and insert Meeting ID: 161 410 9523 and Password: 686823.

b. Audio only. Audio-only participants must call into Zoom for Government by calling +1 669 254 5252, or +1 646 828 7666, and insert Meeting ID: 161 410 9523 and Password: 686823.

Appearances are required on 1/28/21, and counsel and self-represented parties must appear either by videoconferencing or telephone through Zoom for Government.

Party Information

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

Thursday, July 29, 2021

Hearing Room 1675

10:30 AM

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, August 3, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1612509980>

ZoomGov meeting number: 161 250 9980

Password: 855395

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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

Tuesday, August 3, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
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- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, August 3, 2021

Hearing Room 1675

1:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

Adv#: 2:19-01410 Dorfman v. Okland

#1.00 Cont'd status conference re: Complaint to determine dischargeability of debt
(11 U.S.C. §§523(a)(2)(A) and 523(a)(4)
fr. 3/9/21, 5/4/21, 7/6/21

Docket 1

***** VACATED *** REASON: Judgment entered on 7/15/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The status conference is moot because default judgment was entered on 7/15/21. No appearances are required on 8/3/21.

Party Information

Debtor(s):

Dean Henrik Okland	Pro Se
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Defendant(s):

Dean Henrik Okland	Pro Se
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Plaintiff(s):

Chuck Dorfman	Represented By David S Hagen
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Trustee(s):

Howard M Ehrenberg (TR)	Represented By Jeffrey S Shinbrot
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**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, August 3, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#2.00 Cont'd hearing re: Plaintiff's amended motion for default judgment under LBR 7055-1
fr. 6/22/21

Docket 21

***** VACATED *** REASON: Default Judgment entered on 7/7/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The hearing on the amended motion for default judgment is moot because the court granted the amended motion for default judgment on the papers and default judgment was entered on 7/7/21. No appearances are required on 8/3/21.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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 3, 2021

Hearing Room 1675

1:30 PM

2:20-18515 Fereidoun Chaparli

Chapter 7

Adv#: 2:20-01685 Eghbali et al v. Chaparli

#3.00 Cont'd status conference re: Complaint for non dischargeability of debt pursuant to 11 U.S.C. §523(a)(2)(A) & §523(a)(6) and for discharge of bankruptcy pursuant to 11 U.S.C. §727(a)(4)(A) & §727(a)(5) fr. 2/16/21, 4/27/21, 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The status conference is moot because default judgment on plaintiffs' claims under 11 U.S.C. 523(a)(2)(A) and (a)(6) was entered on 7/15/21 and the remaining claims under 11 U.S.C. 727(a)(4) and (a)(5) were voluntarily dismissed on 7/26/21. No appearances are required on 8/3/21.

Party Information

Debtor(s):

Fereidoun Chaparli

Represented By
John Asuncion

Defendant(s):

Fereidoun Chaparli

Pro Se

Plaintiff(s):

Arian Eghbali

Represented By
Sanaz Sarah Bereliani

Enrich Financial, Inc.

Represented By
Sanaz Sarah Bereliani

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 3, 2021

Hearing Room 1675

2:00 PM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Video/audio web address: <https://cacb.zoomgov.com/j/1614109523>

ZoomGov meeting number: 161 410 9523

Password: 686823

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, August 3, 2021

Hearing Room 1675

2:00 PM
CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, August 3, 2021

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

#4.00 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. 6/16/20, 8/4/20, 7/7/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/30/21. No tentative ruling on the merits. Appearances are required on 8/3/21 to discuss rescheduling the closing arguments in the trial, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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

Tuesday, August 3, 2021

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

#4.10 Cont'd hearing re: Second motion for attorney's fees and costs
fr. 5/27/21, 6/10/21, 7/15/21

Docket 221

Tentative Ruling:

Updated tentative ruling as of 7/30/21. No tentative ruling on the merits. Appearances are required on 8/3/21 to discuss rescheduling the final hearing on the motion, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, August 3, 2021

Hearing Room 1675

2:30 PM

2:19-15989 Briena Sheree Casares

Chapter 7

#5.00 Cont'd hearing re: Chapter 7 trustee's motion for orders: (1) Approving sale of real property, subject to overbid; (2) Authorizing sale free and clear of liens and interests; (3) Authorizing release of funds from escrow; (4) Approving payment of real estate commissions; and (5) Approving payment of exemption fr. 7/6/21

Docket 56

Tentative Ruling:

Revised and updated tentative ruling as of 8/2/21. Regarding notice, the court notes that the trustee now served all creditors with 21 days notice of the sale motion as required by FRBP 2002(a)(2), but also notes that the supplemental notice regarding the hearing being remotely conducted by Zoom for Government technology incorrectly stated the Zoom meeting number, that is, a digit is missing, "61 250 9980," as opposed to the correct number of "161 250 9980." The court is inclined to find that there is substantial compliance with the notice requirement as the court's tentative ruling on the court's website has the correct number, parties trying the incorrect number would probably check the tentative ruling for the correct number and parties familiar with Zoom meetings would know that the Zoom meeting number has 10 digits rather than 9. However, due to this error, the court will put this matter on second call, so that parties who try the wrong Zoom meeting number will have some time to find the correct number from the court's website and log in to appear for the hearing.

Based on supplemental nonopposition of American Advisors Group, the senior secured lender, filed on 7/30/21, asserting a lien claim in the principal amount of \$750,000, clarifying that it does not oppose the motion if its lien must be fully paid off or it be paid an amount less than the payoff pursuant to its written consent, and that the estimated full payoff amount is approximately \$359,841.00, which is substantially less than the face amount of the lien of \$750,000, which indicates that it is likely that the proposed sales price of \$625,000 is sufficient to pay all existing liens on the property, so that the motion probably meets the standard of 11 U.S.C. 363(f)(2) and/or (3) to sell the property free and clear of liens. Accordingly, the court is inclined to grant

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CONT...

Briena Sheree Casares

Chapter 7

the motion for the reasons stated in the moving papers and for lack of timely written opposition, and the trustee may proceed with conducting the sale if there are qualifying overbidders. No tentative ruling as to finding the purchaser as a good faith purchaser under 11 U.S.C. 363(m) in light of the prospect of overbidding and as to waiving the 14 day stay on enforcement of any sale order under FRBP 6004(h). Appearances are required on 8/3/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Video/audio web address: <https://cacb.zoomgov.com/j/1612509980>

ZoomGov meeting number: 161 250 9980

Password: 855395

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

Prior tentative ruling. In a written order filed and entered on 6/30/21, the court set forth the following tentative ruling on the motion: In reviewing the moving papers, the court has noticed that service of the Chapter 7 Trustee's sale motion is deficient as shown on the proof of service of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 2002(a)(2) and 9013, the Chapter 7 Trustee must give notice of the motion for sale of estate property to all creditors at least 21 days before the hearing on the motion, but as shown on the proof of service of the motion, the following creditors which are listed on the official list of creditors on the case docket for this case, i.e., creditors mailing matrix listing creditors of record, were not listed on the proof of service, and thus, there is no evidence of service on these creditors, including: AT&T, American Advisors Group, Athans [Athens] Disposal, CAF, LVNV Funding, LLC c/o Resurgent Capital Services, Pinnacle Credit Services, LLC, Quality Loan Services Corp., Student Financial Aid, Union Bank, and Wyndam Vacation.

The court notes that two of these unlisted creditors, LVNV Funding and

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Pinnacle Credit Services, LLC, had actually filed proofs of claim in this case. The court also notes that while creditor U.S. Department of Education was served, it was not served at its address designated for notice as indicated in its proof of claim filed in this case, U.S. Department of Education, P.O. Box 16448, St. Paul, MN 55116-0448. Because the evidence before the court indicates that the service of the Chapter 7 Trustee's sale motion is deficient, the court states that it cannot grant the motion at the hearing on July 6, 2021 without evidence of proper service of the motion on all creditors as required by Rules 2002(a)(2) and 9013.

Therefore, the court states its tentative ruling on the motion for the July 6, 2021 hearing either to continue the hearing on the motion in order for the Chapter 7 Trustee to properly serve all creditors with 21 days notice of the motion as required by Rules 2002(a)(2) and 9013, or deny the motion without prejudice for insufficient notice as required by these rules. Appearances are required on 7/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Briena Sheree Casares

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Toan B Chung

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2:20-20454 Cristiann Reyes and Lisseth C. Martinez

Chapter 7

#6.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Elissa D. Miller, Chapter 7 Trustee]

Docket 20

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 8/3/21. Trustee to lodge a proposed order within 7 days of hearing.

Video/audio web address: <https://cacb.zoomgov.com/j/1612509980>

ZoomGov meeting number: 161 250 9980

Password: 855395

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

Party Information

Debtor(s):

Cristiann Reyes

Represented By
James G. Beirne

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Joint Debtor(s):

Lisseth C. Martinez

Represented By
James G. Beirne

Trustee(s):

Elissa Miller (TR)

Pro Se

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2:20-21080 Orchid Child Productions, LLC

Chapter 7

#7.00 Hearing re: Chapter 7 Trustee's motion for entry of order establishing sale procedures for sale of estate's right, title and interest to James Franco documentary and related property

Docket 28

Tentative Ruling:

Revised and updated tentative ruling as of 8/3/21. Having reviewed the timely opposition of Whose Dog R U Productions, Inc., to the trustee's motion to approve sale procedures, the court is of the view that the hearing should be continued so that the parties may submit briefing on the issue raised by Whose Dog of whether the subject property may be sold if it is not first established that it is property of the estate. See *In re Rodeo Canon Development Corp.*, 362 F.3d 603, 608-609 (9th Cir. 2004), *citing inter alia*, *In re Clark*, 266 B.R. 163, 172 (9th Cir. BAP 2001) (stating "A bankruptcy court may not allow the sale of property as 'property of the estate' without first determining whether the debtor in fact owned the property."), *opinion withdrawn and remanded*, 126 Fed. Appx. 353 (9th Cir. 2005); *accord*, *In re Popp*, 323 B.R. 260, 268-270 (9th Cir. BAP 2005); see also, 3 Levin and Sommer, *Collier on Bankruptcy*, paragraph 363.06[5] (16th ed., 2021 online update). None of these authorities were addressed in the briefing, and the parties should in the first instance have an opportunity to submit briefing on the issue. The court is inclined to continue the hearing for a week or two to 8/10/21 or 8/17/21 at 11:00 a.m. and a deadline to file and serve supplemental briefing by 8/6/21 or 8/10/21.

Appearances are required on 8/3/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Video/audio web address: <https://cacb.zoomgov.com/j/1612509980>

ZoomGov meeting number: 161 250 9980

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Password: 855395

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

Party Information

Debtor(s):

Orchid Child Productions, LLC

Represented By
Sanaz Sarah Bereliani
David Brian Lally

Movant(s):

Edward M Wolkowitz (TR)

Represented By
Gary E Klausner

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Gary E Klausner

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#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614947286>

ZoomGov meeting number: 161 494 7286

Password: 625782

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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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.

#1.00 Hearing re: Plaintiff's motion for summary adjudication of defendant Douglas Christmas's first amended counter-complaint on first, third, and fourth claims for relief regarding "Arman" Artwork, and for sanctions

Docket 1015

Tentative Ruling:

Grant plaintiff's motion for summary adjudication on defendant Douglas Christmas's first amended counter-complaint on the first, third and fourth claims for relief regarding the Arman artwork for the reasons stated in the moving papers and for lack of timely written opposition in light of defendant Christmas's statement of nonopposition as to plaintiff's request for summary adjudication.

Deny plaintiff's motion for sanctions pursuant to FRBP 9011 because the motion does not comply with the requirements of the rule, specifically, the motion does not comply with the safe harbor provisions of FRBP 9011(c)(1)(A) requiring that the sanctions motion may not be filed within 21 days of service of the motion because plaintiff did not serve any motion for sanctions on defendant before it was filed and plaintiff's counsel's email warnings to counsel for defendant do not suffice as they do not constitute a formal motion in order to trigger the 21-day safe harbor opportunity period for defendant to withdraw the offending pleading. *Barber v. Miller*, 146 F.3d 707, 710-711 (9th Cir. 1998); *Radcliffe v. Rainbow Construction Co.*, 254 F.3d 772, 788-789; *In re Crystal Cathedral Ministries*, No. 2:12-bk-15665-RK, 2020 WL 1649619 (Bankr. C.D. Cal. Mar. 31, 2020), slip op. at *22-27, affirmed on other grounds, BAP No. CC-20-1103-FLT, 2021 WL 2182975 (9th Cir. BAP May 28, 2021); see also, FRCP 11(c)(2) (similar rule, similar result). Plaintiff's argument that defendant Christmas waived his rights under FRBP 9011 by refusing to sign the stipulation proposed by plaintiff's counsel lacks merit as such act does not indicate any voluntary relinquishment of his rights. The FRBP 9011 motion should also be denied because it is not made as a motion separate from other motions and requests as it was combined with the motion for summary adjudication as required by FRBP 9011(c)(1)(A); see also, FRCP

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11(c)(2) (similar rule, similar result).

Deny plaintiff's motion for sanctions based on 28 U.S.C. 1927 because: (1) such relief was only first raised in the reply and new arguments or matters raised in the reply will not be considered pursuant to LBR 9013-1(g) and (2) the bankruptcy court lacks authority to grant sanctions as not being a "court of the United States" for purposes of that statute as held by the Ninth Circuit Bankruptcy Appellate Panel in *In re DeVille*, 280 B.R. 483, 494 (9th Cir. BAP 2002), affirmed in part, reversed in part and remanded on other grounds, 361 F.3d 539 (9th Cir. 2004).

Grant plaintiff's motion for sanctions under the court's inherent authority against defendant Christmas as the court finds by clear and convincing evidence that he acted in bad faith in alleging in his counter-complaints that he owned the Arman artwork as the uncontroverted facts show that he no longer owned the artwork because he sold the artwork to the debtor during the pendency of this bankruptcy case as shown by the sale and other documents in evidence, Exhibits 1 through 5 to the motion, the schedule listing the Armen artwork claimed as owned by Christmas attached to the counter-complaints, the purchase order for the artwork, the check on debtor's bank account signed by Christmas to pay himself for the artwork and debtor's monthly operating report listing the sale transaction. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-46 (1991); *In re DeVille*, 361 F.3d at 547-551; *In re Crystal Cathedral Ministries*, No. 2:12-bk-15665-RK, 2020 WL 1649619, slip op. at *27-32, affirmed on relevant grounds, BAP No. CC-20-1103-FLT, 2021 WL 2182975, slip op. at *6-10. Christmas knew that he sold the artwork to the debtor, and he acted in bad faith in alleging that he still owned the artwork in his counter-complaints that he filed in this court, forcing plaintiff to needlessly make the motion for summary adjudication. Christmas's allegations in his counter-complaints of continuing ownership of the Arman artwork after his sale of the artwork to the debtor were factual misstatements which were frivolous, reckless and/or both, which only served to harass plaintiff and create needless litigation.

Christmas had the opportunity to mitigate his bad faith conduct by filing with the court a withdrawal of the counter-complaints as to the the bad faith allegations of ownership of the Arman artwork when plaintiff's counsel brought

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these matters to the attention of Christmas's counsel in the emails before the motion for summary adjudication was filed, but Christmas failed to do so, which indicates continued bad faith. The court does not impose sanctions on Christmas's counsel because the evidence does not show by clear and convincing evidence that counsel knew of the sale documents showing Christmas's sale of the artwork to the debtor when counsel prepared and filed the counter-complaints for Christmas.

Award against defendant Christmas in favor of plaintiff a reasonable compensatory sanction of \$10,400 in attorneys' fees as appropriate, representing 20 hours of attorney services at an associate attorney rate of \$400 an hour and 4 hours of attorney services at a supervisory or partner rate of \$600 a hour for preparing and filing the motion for summary adjudication and sanctions based on the court's inherent authority as the motion was a relatively simple and straightforward motion based on the documents showing that defendant Christmas knew that he sold the artwork to the debtor by signing and depositing the check for payment for his sale of the artwork to the debtor and that there is no factual basis for his allegations relating to the artwork in his counter-complaints and for communications with opposing counsel requesting withdrawal of these frivolous and/or reckless allegations. In re Crystal Cathedral Ministries, No. 2:12-bk-15665-RK, 2020 WL 1649619, slip op. at *56-62, affirmed on relevant grounds, BAP No. CC-20-1103-FLT, 2021 WL 2182975, slip op. at *11. No award is made with respect to attorney services rendered in arguing FRBP 9011 sanctions because such argument should not have been made based on plaintiff's failure to comply with the strict procedural requirements of the rule which are actually quite formulaic as held by the Ninth Circuit in the authorities cited above and as argued by defendant. No award of expenses is made because the request for reimbursement of expenses is not substantiated.

Deny plaintiff's motion for sanctions as to his request for alternative sanctions, including terminating sanctions on defendant Christmas's remaining claims in his counter-complaint as generally speaking, sanctions should be progressive in effect, and the court should not resort to such extreme measures in the first instance.

Appearances are required on 8/4/21 to discuss rescheduling the final hearing

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on the motion, but counsel and self-represented parties must appear through
Zoom for Government in accordance with the court's remote appearance
instructions.

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 Jonathan Seligmann Shenson
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 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 Keith Patrick Banner

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Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

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2:17-23722 Kody Branch of California, Inc.

Chapter 7

#2.00 Cont'd pretrial conference re: Chapter 7 trustee's omnibus objection to: Claim No. 11 - Shaoxing LeiLei Import & Export; Claim No. 12 - Cong Ty Tnhh Anh Chau; Claim No. 13 - Shaoxing Tuchang Knitting Textile; Claim No. 14 - Gia Phu Fashion Company; and Claim No. 15 - Cong Ty May Trinh Vuong
fr. 2/3/21, 3/31/21, 6/2/21

Docket 351

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 7/28/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Prior tentative ruling as of 10/13/20. The trustee's objections to the claims as amended of creditors Shaoxing Leilei Import & Export Co. (\$223,394.01), Cong Ty Tnhh Anh Chau (\$1,843,219.16), Shaoxing Tuchang Knitting Textile Co., Ltd. (\$323,430.14)(note: amended claim refers to Shaoxing Leilei Import & Export Co. as claimant, which appears to be a scrivener's error, as supporting documentation refers to Shaoxing Tuchang Knitting Textile Co., Ltd.), Gia Phu Fashion Co. (\$333,916.51), and Cong Ty May Trinh Vuong (\$1,036,668.79) pursuant to Federal Rule of Bankruptcy Procedure 3007 are contested matters pursuant to Federal Rule of Bankruptcy Procedure 9014. See In re Garner, 246 B.R. 617, 623 (9th Cir. BAP 2000), citing inter alia, Advisory Committee Note to Federal Rule of Bankruptcy Procedure 3007. The trustee, claimants and a creditor joining the trustee's objections have filed declarations and documentary evidence in support and in opposition to the objections. The trustee has filed evidentiary objections to the declarations and documentary evidence of the claimants with the expectations that the court will sustain his objections and determine that there are no genuine issues of material fact to preclude the court from determining that he is entitled to judgment as a matter of law that claimants have failed to meet their burden of proving the validity and amount of their claims. In order for the court to now rule in favor of the trustee and sustain his objections now, the court would have to determine that despite claimants' evidence, there are no genuine issues of material fact and that the trustee is entitled to judgment as a

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matter of law. In essence, this request is a motion for summary judgment under Federal Rule of Bankruptcy Procedure 7056, which applies to contested matters like these under Federal Rule of Bankruptcy Procedure 9014, but the trustee has not filed such a motion. Even if the court were to sustain the trustee's evidentiary objections, it would seem to the court in the interest of fairness to allow claimants to cure the evidentiary objections to their evidence as Rule 9014 provides that "reasonable notice and opportunity for hearing shall be afforded to the party against whom relief is sought." Rule 9014 also provides that "[t]estimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding" and that "[t]he court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify." The trustee apparently believes that there are no genuine issues of material fact, if that is the case, then it should be determined upon a proper motion for summary judgment under Rule 7056. It appears that there are unresolved material factual issues that may require an evidentiary hearing to resolve, requiring the issuance of factual findings pursuant to Federal Rule of Bankruptcy Procedure 7052, and if so, then the court should set an appropriate schedule of pretrial and trial proceedings, especially considering the large dollar amounts of the objected to claims. The court is not sure that on this record, the trustee has shown that there are no genuine issues of material fact and that he is entitled to judgment as a matter of law on grounds that claimants have not their ultimate burden of proving the validity and amount of their claims. Moreover, the court is not so sure that the trustee is entitled to judgment as a matter of law that the claims should be barred under California law based on the statute of frauds and the statute of limitations on contractual breach claims as the claims are based on contracts involving parties of different contractual states, i.e., debtor as the buyer of goods is a California contract party, but the claimants as the seller of goods are foreign contract parties from China and Vietnam, and thus, it is unclear the choice of law governing the contracts between the parties. The trustee assumes that California law applies to the contracts because the buyer is a California party, but there is no evidence in the contracts themselves that California law governs these claims. It may be that the contracts may be governed by the law of China and/or Vietnam, where the claimants as the selling parties are located. Or the international sales contracts like these may be governed by

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international law, i.e., United Nations Convention on Contracts for the International Sale of Goods, S. Treaty Doc. No. 98-9 (1983), reprinted in 15 U.S.C.A. App. ("CISG"), cited in *Shantou Real Lingerie Manufacturing Co., Ltd. v. Native Group International, Ltd.*, No. 14 Civ. 10246 (FM), 2016 WL 4532911 at *2-3 (S.D.N.Y. August 23, 2016), citing, *Cedar Petrochemicals, Inc. v. Dongbu Hannong Chem. Co.*, No. 06 Civ. 3972 (LTS) (JCF), 2011 WL 4494602, at *3 (S.D.N.Y. Sept. 28, 2011) ("[The CISG] automatically applies to international sales contracts between parties from different contracting states[.] ... Where parties wish to exercise their right to derogate from the CISG, they must do so explicitly.") (internal quotation marks omitted) (quoting *Zhejiang Shaoxing Yongli Printing & Dyeing Co. v. Microflock Textile Grp.*, No. 06 Civ. 22608 (JJO), 2008 WL 2098062, at *1 (S.D. Fla. May 19, 2008)); see also, Zierdt and Adams, "International Sales of Goods," 70 Bus. Law. 1269 (American Bar Association: Fall 2015); Adams and Zierdt, "International Sales of Goods," 2017-NOV Bus. L. Today 243 (American Bar Association: Nov. 2017). The parties have not addressed choice of law issues in their briefing, which have bearing on the arguments being made in the pleadings and raise unresolved legal and factual issues. The court believes that these contested matters of the trustee's objections to the claims of the claimants should be resolved by an evidentiary hearing or upon a motion for summary judgment in accordance with the applicable rules, Federal Rules of Bankruptcy Procedure 3007, 7052, 7056 and 9014, so that the factual and legal issues presented can be fully and fairly ventilated and determined.

Appearances are required on 10/14/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 9/25/20. The court will treat the objections to claims as contested matters under FRBP 9014 and will treat the hearing on 9/30/20 as a status conference. The parties should advise the court whether there are material issues of fact that require an evidentiary hearing. If so, the court will inquire with the parties as to an appropriate pretrial and trial schedule. If not, the court will discuss with the parties scheduling of a final hearing on the objections to hear arguments on the evidentiary objections asserted by the parties and on the merits of the objections. Appearances are required on 9/30/20, but counsel and self-represented parties must appear by telephone.

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Prior tentative ruling as of 6/8/20. In response to the trustee's omnibus objections to claims, claimants through their attorney filed amended claims on 5/11/20 and 5/12/20. Pursuant to Rule 3001(f) of the Federal Rule of Bankruptcy Procedure (FRBP), proofs of claim executed and filed in accordance with the FRBP shall constitute prima facie evidence of the validity and amount of the claims. In reply, the trustee supported by declarations of Linda Lee and Michael Weinberg has rebutted the prima facie correctness of the amended proofs of claim by showing that the documents attached to the amended proofs of claim were fabricated and are not genuine. Moreover, in the court's view, the documents to support amended claims lack evidentiary foundation as none of the documents attached in support of the amended claims are properly authenticated by someone with personal knowledge as required by Rules 602, 901 and 902 of the Federal Rules of Evidence, which tends to show that the objections to the claims have rebutted the prima facie correctness of the claims, and that the claimants bear the ultimate burden of proving the validity of their claims and should be prepared to show that they have met this burden at the hearing. In re Holm, 931 F.2d 620, 623 (9th Cir. 1991).

Appearances are required on 6/9/20, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling. Continued by stipulation and order to 6/2/20 at 2:30 p.m. No appearances are required on 4/28/20.

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

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2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01466 Avery v. Gia Phu Fashion Garment Co.

#3.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers fr. 2/3/21, 3/31/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m. per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Gia Phu Fashion Garment Co.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01468 Avery v. Baldwin Sun Inc.

#4.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and transfers
fr. 2/2/21, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Baldwin Sun Inc.

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01469 Avery v. Trinh Vuong Garment Co., Ltd.

#5.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 2/3/21, 3/31/21, 6/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The court on its own motion continues the status conference to 10/6/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 8/4/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Vuong Garment Co., Ltd.

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
David Wood

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

Wednesday, August 4, 2021

Hearing Room 1675

11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01472 Avery v. Shanghai Medicines and Health Products Import and

#6.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 2/3/21, 3/31/21, 6/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The court on its own motion continues the status conference to 10/6/21 at 11:30 a.m. to be conducted with the other similar adversary proceedings in this bankruptcy case. No appearances are required on 8/4/21.

Prior tentative ruling as of 2/1/21. Off calendar. The court has reviewed plaintiff's unilateral status report stating that he will need to obtain an alias summons and serve defendant, but that he is considering whether or not to dismiss the action based on a cost analysis and requests that the status conference be continued about 60 days. The court grants this request and on its own motion continues the status conference to 3/31/21 at 11:30 a.m. No appearances are required on 2/3/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shanghai Medicines and Health

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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

Wednesday, August 4, 2021

Hearing Room 1675

11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01473 Avery v. Sio, LLC

#7.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 2/2/21, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m. per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Sio, LLC

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01474 Avery v. Voong

#8.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 12/15/20, 4/20/21, 6/2/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. The court has reviewed the joint status report, and based on the agreement of the parties, the court on its own motion continues the status conference to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Kevin Voong

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01475 Avery v. Van

#9.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential and fraudulent transfers fr. 3/31/21, 6/2/21, 8/4/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m. per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Trinh Thi Hong Van

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01476 Avery v. Chau

#10.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential, fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 2/3/21, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Cong Ty Tnhh Anh Chau

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01477 Avery v. Shaoxing LeiLei Import & Export Company

#11.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 2/3/21, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m. per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing LeiLei Import & Export

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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Wednesday, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01478 Avery v. Shaoxing Tuchang Knitting Textile Co., Ltd.

#12.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of preferential fraudulent, unauthorized postpetition transfers; and disallowance of claim fr. 2/3/21, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Shaoxing Tuchang Knitting Textile

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

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
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Wednesday, August 4, 2021

Hearing Room 1675

11:30 AM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01479 Avery v. Trinh

#13.00 Cont'd status conference re: Complaint for (1) breach of fiduciary duty; (2) conversion; (3) misappropriation of trade secrets; (4) wrongful disparagement of debtor's assets; (5) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of preferential transfers; (6) avoidance, recovery, and preservation of actual fraudulent transfers; (7) avoidance, recovery, and preservation of constructive fraudulent transfers; (8) unauthorized post-petition transfers; and (9) turnover of property of the estate
fr. 11/17/20, 3/31/21, 6/2/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/4/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 7/16/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 7/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/4/21.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Tony Trinh

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood
D Edward Hays

Trustee(s):

Wesley H. Avery

Represented By
Kristofer R McDonald
Richard A Marshack

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

Wednesday, August 4, 2021

Hearing Room 1675

11:30 AM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays
David Wood

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

Tuesday, August 10, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1610611788>

ZoomGov meeting number: 161 061 1788

Password: 933205

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, August 10, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:18-01209 Voong v. Trinh et al

- #1.00** Order: (1) to show cause why plaintiff Kevin Voong's first amended complaint should not be stricken for failure to comply with Federal Rules of Civil procedure 15(a)(2); (2) to show cause why the court should not enter a final judgment pursuant to order granting Second Generation's motion for granting Second Generation's motion for summary adjudication pursuant to Federal Rule of Civil Procedure 54(b)

Docket 136

Tentative Ruling:

Revised and updated tentative ruling as of 8/9/21. The court should enter a final judgment on the claims adjudicated on Second Generation's motion for summary adjudication as the claims are severable and there is no just reason for delay, and plaintiff can seek appellate review once final judgment on these claims have been entered. The court should also deny leave to amend because the amended complaint only adds an injunctive relief claim as to the Las Flores property which raises the same factual and legal issues as the declaratory relief claim as to Las Flores which has already been adjudicated. In essence, the added injunctive relief claim would be seeking reconsideration, or a "second bite of the apple" of the issues already decided on the motion for summary adjudication. There is no proper basis to seek reconsideration of the ruling on the motion for summary adjudication. Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley
Philip Kaufler
Steven R Fox

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

CONT... Catherine Trinh

Chapter 11

Defendant(s):

Catherine Trinh

Represented By
Alan W Forsley

Howard Grobstein

Pro Se

Plaintiff(s):

Kevin Voong

Represented By
Eric Bensamochan

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

2:19-12016 MINSEOK LEE

Chapter 7

Adv#: 2:19-01163 Starbucks Corporation v. Lee

#2.00 Cont'd status conference re: Complaint and demand for jury trial
fr. 2/2/21, 3/2/21, 5/4/21

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 8/10/21. The court has reviewed defendant's unilateral status report filed on 8/9/21. The status conference in this matter has been continued to facilitate settlement discussions between the parties, but apparently, such discussions have not taken place or have not been fruitful. Defendant recommends that a pretrial conference be set no earlier than 10/1/21, which seems reasonable in the court's view. Since the parties are not able to settle the matter, a pretrial conference should be set to prepare the matter for trial. Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/24/21. No tentative ruling on the merits. Appearances are required on 3/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 2/1/21. The court has listened to the audio file for the last status conference on 6/30/20, wherein the court had set a discovery cutoff date of 12/31/20, ordered a further status conference for 1/12/21 at 1:30 p.m., ordered the parties to mediation to be completed by the further status conference and ordered counsel for plaintiff to submit a proposed scheduling order with these scheduled dates within one week. However, counsel for

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Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

CONT...

MINSEOK LEE

Chapter 7

plaintiff never submitted the scheduling order as the court ordered. For lack of a scheduling order, the court incorrectly noted the further status conference on the docket for 1/21/21 at 1:30 p.m. which was continued to 2/2/21 at 1:30 p.m. The court orders counsel for plaintiff to show cause why sanctions should not be imposed against them for failure to submit a proposed scheduling order as ordered. The parties should discuss the status of mediation and setting a date for a pretrial conference if the matter is not settled. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

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
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Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

2:19-15197 Anthony Robert Wafford
Adv#: 2:21-01102 Byrd v. Wafford et al

Chapter 7

#3.00 Status conference re: Complaint to determine dischargeability of debt pursuant to 11 U.S.C. 523(a)(6)

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/9/21. Having reviewed the joint status report, the court tentatively sets the following pretrial schedule: (1) deadline of 9/7/21 to file motions to join other parties or to amend pleadings; (2) discovery completion deadline of 12/10/21; (3) deadline of 12/10/21 to file dispositive motions; (4) the matter is ordered to mediation, and parties to file a request for selection of a mediator and an alternate mediator on or before 9/7/21; (5) deadline of 12/10/21 to complete mediation; and (6) post-discovery status conference set for 12/14/21 at 1:30 p.m. Counsel for plaintiff to lodge a proposed scheduling order within 7 days of the status conference.

Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Anthony Robert Wafford

Represented By
Winston Kevin McKesson

Defendant(s):

Tony Wafford

Pro Se

The Palms Residential Care Facility

Pro Se

Does 1 through 100

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, August 10, 2021

Hearing Room 1675

1:30 PM

CONT... Anthony Robert Wafford

Chapter 7

Plaintiff(s):

Sharon Song Byrd

Represented By
Jeffrey W Cowan

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, August 10, 2021

Hearing Room 1675

1:30 PM

2:19-23548 Tarel Deshun Meeks

Chapter 7

Adv#: 2:21-01035 United States Trustee (LA) v. Meeks

#4.00 Cont'd status conference re: Complaint to revoke the debtor's discharge pursuant to 11 U.S.C. §§727(d)(1) and (2) fr. 4/27/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/10/21 to 11/9/21 at 1:30p.m. per stip & order entered on 7/30/21-st**

Tentative Ruling:

Updated tentative ruling as of 8/9/21. Off calendar. Continued by stipulation and order to 11/9/21 at 1:30 p.m. No appearances are required on 8/10/21.

Prior tentative ruling. The court has reviewed the joint status report and will set the following pretrial schedule: (1) deadline to file motion to add parties or amend pleadings, 5/28/21; (2) discovery cutoff date, 7/30/21; (3) deadline to file pretrial motions, 7/30/21; and (4) post-discovery status conference, 8/10/21 at 1:30 p.m. Plaintiff to lodge a proposed scheduling order within 7 days of hearing. Appearances are required on 4/27/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Tarel Deshun Meeks

Represented By
Scott Kosner

Defendant(s):

Tarel Deshun Meeks

Pro Se

Plaintiff(s):

United States Trustee (LA)

Represented By
Eryk R Escobar

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Hearing Room 1675

1:30 PM

CONT... Tarel Deshun Meeks

Chapter 7

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Eric P Israel

**United States Bankruptcy Court
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Tuesday, August 10, 2021

Hearing Room 1675

2:00 PM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#4.10 Second pretrial technical status conference and establishing remote trial procedures 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

Docket 1

Tentative Ruling:

Revised and updated tentative ruling as of 8/9/21. Since new counsel is substituted in as defendants' counsel, counsel must address whether they are prepared go forward with the trial starting on 8/11/21. Previously, counsel had indicated that the parties testifying at trial may need the assistance of Korean/English interpreters, and counsel should discuss whether they will have certified Korean/English interpreters if needed to assist any of the parties in testifying. Otherwise, no tentative ruling on the merits. Appearances are required on 8/10/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Jong J Kim

Represented By
Bahram Madaen

Defendant(s):

Jong Joo Kim

Pro Se

Sun Y Kim

Pro Se

Joint Debtor(s):

Sun Y Kim

Represented By
Bahram Madaen

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Hearing Room 1675

2:00 PM

CONT... Jong J Kim

Chapter 7

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
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Courtroom 1675 Calendar**

Tuesday, August 10, 2021

Hearing Room 1675

2:30 PM

2:20-19070 Ji Hyun Kim

Chapter 7

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

Docket 20

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 8/10/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Ji Hyun Kim

Represented By
Kelly K Chang

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, August 10, 2021

Hearing Room 1675

2:30 PM

2:15-25283 Arturo Gonzalez

Chapter 7

#6.00 Hearing re: Motion by the chapter 7 trustee objecting to the debtor's amended schedules filed May 27, 2021 (docket no. [504]) to claim a homestead exemption in the real property at 329 Hawaiian Avenue, Wilmington, CA and to claim a "tools of the trade" exemption in commissions

Docket 505

***** VACATED *** REASON: Cont'd from 8/10/21 to 9/14/21 at 2:30 p.m.
per order entered on 8/5/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/9/21. Off calendar. Continued to 9/14/21 at 2:30 p.m. by order entered on 8/5/21. No appearances are required on 8/10/21.

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**

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1614863057>

ZoomGov meeting number: 161 486 3057

Password: 985298

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, August 11, 2021

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11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#1.00 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. 11/4/20, 2/3/21, 6/9/21

Docket 310

Tentative Ruling:

Revised and updated tentative ruling as of 8/7/21. The court is inclined to sustain the objections of the plan trustee to the original declaration of Min Ng in the motion for lack of foundation, lack of personal knowledge, hearsay and improper legal conclusion, Federal Rules of Evidence (FRE) 602, 704, 801, 802 and 901. but the court notes that a supplemental declaration has been filed in the reply to address the evidentiary objections to the original declaration. However, the plan trustee has not had the opportunity to object to the supplemental declaration. The court is inclined to allow the plan trustee to file a sur-reply to address the amended declaration of Min Ng and movant's reply arguments.

As to the merits, movant will need to explain its argument on page 5 of the reply that "Since the Movant's claim became noncontingent upon the filing of its Motion and there was no timely objection to the Movant's claim, its claim was an allowed claim according to the Plan's definition." Reply at 5, citing Opposition, Ex. 5 at 4, note 6. This argument is based on a misreading of the confirmed plan and appears to lack merit.

Assuming arguendo the admissibility of supplemental declaration of Min Ng, movant may have a viable argument to allow late filing of its proof of claim pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 9006(b)(1) under the four factor test for excusable neglect under Pioneer Investment Services Co. v. Brunswick Associated Limited Partnership, 507 U.S. 380, 388-390, 395 (1993) is met here: (a) the danger of prejudice to the debtor - there does not appear to be prejudice to the debtor, but possibly to other creditors who will have to share their pro rata distribution with the guaranty claimants; (b) the length of the delay and its potential impact on judicial proceedings - movant's motion to allow late filing of its proof of claim was filed in June 2019 about a

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT...

Catherine Trinh

Chapter 11

year after the claims bar date set by the court in July 2018, but at least a year and a half before the plan was confirmed in January 2021, and was only a year and well before plan confirmation, and in the court's view, the delay of resolving the motion is not material as the parties to this contested matter stipulated to continuances of the hearing based on the global settlement discussions that eventually collapsed, which is not their fault; (c) the reason for the delay, including whether it was within the reasonable control of the movant - according to movant, while it knew of the claims bar date, it was aware that its claim was scheduled as contingent, but the contingency allegedly was not removed until after the bar date, and that explains why it did not file a proof of claim as the claim remained contingent at the bar date, but then filed the motion to file the late claim after the contingency was removed, otherwise, it could have filed a proof of claim, but listing it as contingent, which would have probably prompted an objection; and (d) whether the movant acted in good faith - movant appears to have acted in good faith in waiting for the contingency on its claim to be removed before seeking to file its proof of claim. Cf. Franchise Holding, II, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 927 (9th Cir. 2004) (the court does not view this case as dispositive because movant contends that it waited to move to file a late claim when the contingency was removed).

Plan confirmation does not appear to render the motion moot as if the motion was granted, movant would be allowed to file a late claim, which would be deemed allowed and entitled to a distribution under the plan unless a party in interest objects. The court does not address whether the claim is otherwise substantiated since that would be for resolution on an objection to the claim pursuant to FRBP 3007.

The court does not see the multiple continuances of the hearing on the motion as a ploy to lull movant into forgoing its rights as the delay from the continuances has no material impact on timeliness of the motion when originally filed, though it might be supposed that the plan trustee's argument that the resolution of the motion was unreasonably delay might suggest that. The plan trustee, or its predecessor in interest, creditor Second Generation could have obviated any alleged prejudice to them by not stipulating to continue the hearing and had the matter resolved before plan confirmation proceedings.

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT... Catherine Trinh

Chapter 11

The court does not determine that the statements made in the supplemental declaration of Min Ng are admissible at this time, particularly as to whether the witness can authenticate the personal guaranty document or has personal knowledge of the removal of the contingency of the claim under FRE 602, 801, 802 and 901.

Appearances are required on 8/11/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, August 11, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#2.00 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. 11/4/20, 2/3/21, 6/9/21

Docket 312

Tentative Ruling:

Revised and updated tentative ruling as of 8/7/21. The court is inclined to sustain the objections of the plan trustee to the original declaration of Nguyet Ng in the motion for lack of foundation, lack of personal knowledge, hearsay and improper legal conclusion, Federal Rules of Evidence (FRE) 602, 704, 801, 802 and 901. but the court notes that a supplemental declaration has been filed in the reply to address the evidentiary objections to the original declaration. However, the plan trustee has not had the opportunity to object to the supplemental declaration. The court is inclined to allow the plan trustee to file a sur-reply to address the amended declaration of Nguyet Ng and movant's reply arguments.

As to the merits, movant will need to explain its argument on page 5 of the reply that "Since the Movant's claim became noncontingent upon the filing of its Motion and there was no timely objection to the Movant's claim, its claim was an allowed claim according to the Plan's definition." Reply at 5, citing Opposition, Ex. 5 at 4, note 6. This argument is based on a misreading of the confirmed plan and appears to lack merit.

Assuming arguendo the admissibility of supplemental declaration of Nguyet Ng, movant may have a viable argument to allow late filing of its proof of claim pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 9006(b)(1) under the four factor test for excusable neglect under Pioneer Investment Services Co. v. Brunswick Associated Limited Partnership, 507 U.S. 380, 388-390, 395 (1993) is met here: (a) the danger of prejudice to the debtor - there does not appear to be prejudice to the debtor, but possibly to other creditors who will have to share their pro rata distribution with the guaranty claimants; (b) the length of the delay and its potential impact on judicial proceedings - movant's motion to allow late filing of its proof of claim was filed in June 2019 about a

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT...

Catherine Trinh

Chapter 11

year after the claims bar date set by the court in July 2018, but at least a year and a half before the plan was confirmed in January 2021, and was only a year and well before plan confirmation, and in the court's view, the delay of resolving the motion is not material as the parties to this contested matter stipulated to continuances of the hearing based on the global settlement discussions that eventually collapsed, which is not their fault; (c) the reason for the delay, including whether it was within the reasonable control of the movant - according to movant, while it knew of the claims bar date, it was aware that its claim was scheduled as contingent, but the contingency allegedly was not removed until after the bar date, and that explains why it did not file a proof of claim as the claim remained contingent at the bar date, but then filed the motion to file the late claim after the contingency was removed, otherwise, it could have filed a proof of claim, but listing it as contingent, which would have probably prompted an objection; and (d) whether the movant acted in good faith - movant appears to have acted in good faith in waiting for the contingency on its claim to be removed before seeking to file its proof of claim. Cf. Franchise Holding, II, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 927 (9th Cir. 2004) (the court does not view this case as dispositive because movant contends that it waited to move to file a late claim when the contingency was removed).

Plan confirmation does not appear to render the motion moot as if the motion was granted, movant would be allowed to file a late claim, which would be deemed allowed and entitled to a distribution under the plan unless a party in interest objects. The court does not address whether the claim is otherwise substantiated since that would be for resolution on an objection to the claim pursuant to FRBP 3007.

The court does not see the multiple continuances of the hearing on the motion as a ploy to lull movant into forgoing its rights as the delay from the continuances has no material impact on timeliness of the motion when originally filed, though it might be supposed that the plan trustee's argument that the resolution of the motion was unreasonably delay might suggest that. The plan trustee, or its predecessor in interest, creditor Second Generation could have obviated any alleged prejudice to them by not stipulating to continue the hearing and had the matter resolved before plan confirmation proceedings.

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT... Catherine Trinh

Chapter 11

The court does not determine that the statements made in the supplemental declaration of Nguyet Ng are admissible at this time, particularly as to whether the witness can authenticate the personal guaranty document or has personal knowledge of the removal of the contingency of the claim under FRE 602, 801, 802 and 901.

Appearances are required on 8/11/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, August 11, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#3.00 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. 11/4/20, 2/3/21, 6/9/21

Docket 314

Tentative Ruling:

Revised and updated tentative ruling as of 8/7/21. The court is inclined to sustain the objections of the plan trustee to the original declaration of Thi Tran in the motion for lack of foundation, lack of personal knowledge, hearsay and improper legal conclusion, Federal Rules of Evidence (FRE) 602, 704, 801, 802 and 901. but the court notes that a supplemental declaration has been filed in the reply to address the evidentiary objections to the original declaration. However, the plan trustee has not had the opportunity to object to the supplemental declaration. The court is inclined to allow the plan trustee to file a sur-reply to address the amended declaration of Thi Tran and movant's reply arguments.

As to the merits, movant will need to explain its argument on page 5 of the reply that "Since the Movant's claim became noncontingent upon the filing of its Motion and there was no timely objection to the Movant's claim, its claim was an allowed claim according to the Plan's definition." Reply at 5, citing Opposition, Ex. 5 at 4, note 6. This argument is based on a misreading of the confirmed plan and appears to lack merit.

Assuming arguendo the admissibility of supplemental declaration of Thi Tran, movant may have a viable argument to allow late filing of its proof of claim pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 9006(b)(1) under the four factor test for excusable neglect under Pioneer Investment Services Co. v. Brunswick Associated Limited Partnership, 507 U.S. 380, 388-390, 395 (1993) is met here: (a) the danger of prejudice to the debtor - there does not appear to be prejudice to the debtor, but possibly to other creditors who will have to share their pro rata distribution with the guaranty claimants; (b) the length of the delay and its potential impact on judicial proceedings - movant's motion to allow late filing of its proof of claim was filed in June 2019 about a

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT...

Catherine Trinh

Chapter 11

year after the claims bar date set by the court in July 2018, but at least a year and a half before the plan was confirmed in January 2021, and was only a year and well before plan confirmation, and in the court's view, the delay of resolving the motion is not material as the parties to this contested matter stipulated to continuances of the hearing based on the global settlement discussions that eventually collapsed, which is not their fault; (c) the reason for the delay, including whether it was within the reasonable control of the movant - according to movant, while it knew of the claims bar date, it was aware that its claim was scheduled as contingent, but the contingency allegedly was not removed until after the bar date, and that explains why it did not file a proof of claim as the claim remained contingent at the bar date, but then filed the motion to file the late claim after the contingency was removed, otherwise, it could have filed a proof of claim, but listing it as contingent, which would have probably prompted an objection; and (d) whether the movant acted in good faith - movant appears to have acted in good faith in waiting for the contingency on its claim to be removed before seeking to file its proof of claim. Cf. Franchise Holding, II, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 927 (9th Cir. 2004) (the court does not view this case as dispositive because movant contends that it waited to move to file a late claim when the contingency was removed).

Plan confirmation does not appear to render the motion moot as if the motion was granted, movant would be allowed to file a late claim, which would be deemed allowed and entitled to a distribution under the plan unless a party in interest objects. The court does not address whether the claim is otherwise substantiated since that would be for resolution on an objection to the claim pursuant to FRBP 3007.

The court does not see the multiple continuances of the hearing on the motion as a ploy to lull movant into forgoing its rights as the delay from the continuances has no material impact on timeliness of the motion when originally filed, though it might be supposed that the plan trustee's argument that the resolution of the motion was unreasonably delay might suggest that. The plan trustee, or its predecessor in interest, creditor Second Generation could have obviated any alleged prejudice to them by not stipulating to continue the hearing and had the matter resolved before plan confirmation proceedings.

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT... Catherine Trinh

Chapter 11

The court does not determine that the statements made in the supplemental declaration of Thi Tran are admissible at this time, particularly as to whether the witness can authenticate the personal guaranty document or has personal knowledge of the removal of the contingency of the claim under FRE 602, 801, 802 and 901.

Appearances are required on 8/11/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, August 11, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#4.00 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. 11/4/20, 2/3/21, 6/9/21

Docket 316

Tentative Ruling:

Revised and updated tentative ruling as of 8/7/21. The court is inclined to sustain the objections of the plan trustee to the original declaration of Melissa Qu or Quin in the motion for lack of foundation, lack of personal knowledge, hearsay and improper legal conclusion, Federal Rules of Evidence (FRE) 602, 704, 801, 802 and 901. but the court notes that a supplemental declaration has been filed in the reply to address the evidentiary objections to the original declaration. However, the plan trustee has not had the opportunity to object to the supplemental declaration. The court is inclined to allow the plan trustee to file a sur-reply to address the amended declaration of Melissa Qu or Quin and movant's reply arguments.

As to the merits, movant will need to explain its argument on page 5 of the reply that "Since the Movant's claim became noncontingent upon the filing of its Motion and there was no timely objection to the Movant's claim, its claim was an allowed claim according to the Plan's definition." Reply at 5, citing Opposition, Ex. 5 at 4, note 6. This argument is based on a misreading of the confirmed plan and appears to lack merit.

Assuming arguendo the admissibility of supplemental declaration of Melissa Qu or Quin, movant may have a viable argument to allow late filing of its proof of claim pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 9006(b)(1) under the four factor test for excusable neglect under Pioneer Investment Services Co. v. Brunswick Associated Limited Partnership, 507 U.S. 380, 388-390, 395 (1993) is met here: (a) the danger of prejudice to the debtor - there does not appear to be prejudice to the debtor, but possibly to other creditors who will have to share their pro rata distribution with the guaranty claimants; (b) the length of the delay and its potential impact on judicial

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT...

Catherine Trinh

Chapter 11

proceedings - movant's motion to allow late filing of its proof of claim was filed in June 2019 about a year after the claims bar date set by the court in July 2018, but at least a year and a half before the plan was confirmed in January 2021, and was only a year and well before plan confirmation, and in the court's view, the delay of resolving the motion is not material as the parties to this contested matter stipulated to continuances of the hearing based on the global settlement discussions that eventually collapsed, which is not their fault; (c) the reason for the delay, including whether it was within the reasonable control of the movant - according to movant, while it knew of the claims bar date, it was aware that its claim was scheduled as contingent, but the contingency allegedly was not removed until after the bar date, and that explains why it did not file a proof of claim as the claim remained contingent at the bar date, but then filed the motion to file the late claim after the contingency was removed, otherwise, it could have filed a proof of claim, but listing it as contingent, which would have probably prompted an objection; and (d) whether the movant acted in good faith - movant appears to have acted in good faith in waiting for the contingency on its claim to be removed before seeking to file its proof of claim. Cf. Franchise Holding, II, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 927 (9th Cir. 2004) (the court does not view this case as dispositive because movant contends that it waited to move to file a late claim when the contingency was removed).

Plan confirmation does not appear to render the motion moot as if the motion was granted, movant would be allowed to file a late claim, which would be deemed allowed and entitled to a distribution under the plan unless a party in interest objects. The court does not address whether the claim is otherwise substantiated since that would be for resolution on an objection to the claim pursuant to FRBP 3007.

The court does not see the multiple continuances of the hearing on the motion as a ploy to lull movant into forgoing its rights as the delay from the continuances has no material impact on timeliness of the motion when originally filed, though it might be supposed that the plan trustee's argument that the resolution of the motion was unreasonably delay might suggest that. The plan trustee, or its predecessor in interest, creditor Second Generation could have obviated any alleged prejudice to them by not stipulating to continue the hearing and had the matter resolved before plan confirmation

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

Wednesday, August 11, 2021

Hearing Room 1675

11:00 AM

CONT... Catherine Trinh
proceedings.

Chapter 11

The court does not determine that the statements made in the supplemental declaration of Melissa Qu or Quin are admissible at this time, particularly as to whether the witness can authenticate the personal guaranty document or has personal knowledge of the removal of the contingency of the claim under FRE 602, 801, 802 and 901.

Appearances are required on 8/11/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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, August 11, 2021

Hearing Room 1675

11:00 AM

2:19-10119 David Lee

Chapter 11

#5.00 Status conference re: Post confirmation of plan
fr. 10/28/20, 1/6/21, 5/5/21

Docket 318

***** VACATED *** REASON: Closed on an interim basis, per order
entered on 6/3/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/9/21. Off calendar. The status conference is moot as the case has been closed on an interim basis. No appearances are required on 8/11/21.

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, August 11, 2021

Hearing Room 1675

2:00 PM

2:12-15652 Dale Alfred Williams

Chapter 11

#6.00 Pretrial and technical status conference re: Management of chapter 11 case
fr. 12/2/20, 2/17/21, 4/7/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/11/21 to 8/18/21 at 2:00 p.m.
per stip & order entered on 8/6/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/9/21. Off calendar. Continued by stipulation and order to 8/18/21 at 2:00 p.m. No appearances are required on 8/11/21.

Prior tentative ruling. The court has reviewed the parties' joint status report. Given the long pendency of this contested matter since the court issued its findings of fact and rulings of law on Phase I of the trial two years ago, the court will order that the parties appear before Judge Wallace for a settlement conference on or before 9/30/21 (Judge Wallace has advised the court that he is available) and will set Phase II of the trial of this contested matter for October 2021. This will give five months for the parties to participate in the settlement conference and six months to prepare for Phase II of the trial, which the court believes is ample preparation time. In light of the current pandemic, the court plans on conducting the trial remotely through Zoom for Government and will discuss remote trial procedures with the parties and will set a further pretrial conference to discuss substantive pretrial matters for July 2021. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(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, August 11, 2021

Hearing Room 1675

2:00 PM

CONT... Dale Alfred Williams

Chapter 11

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**

Thursday, August 12, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606000482>

ZoomGov meeting number: 160 600 0482

Password: 145576

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Thursday, August 12, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Thursday, August 12, 2021

Hearing Room 1675

9:00 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#1.00 TRIAL 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. 2/16/21, 4/28/21, 7/7/21

Docket 1

***** VACATED *** REASON: Rescheduled from 8/12/21 to 9/24/21 at 9:00 a.m. per order entered on 8/10/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/11/21. The trial is rescheduled to 9/24/21, 9/30/21 and 10/1/21, starting at 9:00 a.m. each day, as stated in the scheduling order entered on 8/10/21. No appearances are required on 8/12/21.

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

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

Thursday, August 12, 2021

Hearing Room 1675

9:00 AM

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**

Friday, August 13, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606000482>

ZoomGov meeting number: 160 600 0482

Password: 145576

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Friday, August 13, 2021

Hearing Room 1675

9:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Friday, August 13, 2021

Hearing Room 1675

9:00 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#1.00 CONT'D TRIAL 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. 4/28/21, 7/7/21, 8/12/21

Docket 1

***** VACATED *** REASON: Rescheduled from 8/13/21 to 9/30/21 at 9:00 a.m. per order entered on 8/10/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/11/21. The trial is rescheduled to 9/24/21, 9/30/21 and 10/1/21, starting at 9:00 a.m. each day, as stated in the scheduling order entered on 8/10/21. No appearances are required on 8/12/21.

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

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

Friday, August 13, 2021

Hearing Room 1675

9:00 AM

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**

Monday, August 16, 2021

Hearing Room 1675

8:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606758450>

ZoomGov meeting number: 160 675 8450

Password: 314735

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Monday, August 16, 2021

Hearing Room 1675

8:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-12364 Janelle Raylina Linares

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and Artura Credit Union

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janelle Raylina Linares

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-12641 Julio Cesar Rivas

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and Mechanics Bank

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Cesar Rivas

Represented By

Sanaz Sarah Bereliani

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-13098 Tina Jimée Cheong

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Ally Bank

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina Jimée Cheong

Represented By
Stephen S Smyth

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-13129 Sergio Ramirez Caro

Chapter 7

#4.00 Reaffirmation Agreement Between Debtor and OneMain

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sergio Ramirez Caro

Represented By
Michael Jay Berger

Trustee(s):

Heide Kurtz (TR)

Pro Se

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

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-13208 MICHAEL ANTHONY GARCIA and NANCY ANGELITA

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

MICHAEL ANTHONY GARCIA Pro Se

Joint Debtor(s):

NANCY ANGELITA GUTIERREZ- 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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-13627 Angela Rosal DeVera

Chapter 7

#6.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Rosal DeVera

Represented By
Heather J Canning

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14004 Roubik Kassardjian

Chapter 7

**#7.00 Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC
(2017 Ford Transit)**

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roubik Kassardjian

Represented By
Michael E Clark

Trustee(s):

Heide Kurtz (TR)

Pro Se

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

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14107 David Dallas Hayes

Chapter 7

#8.00 Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A.

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Dallas Hayes

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14155 Matthew Vincente Pacheco

Chapter 7

#9.00 Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Vincente Pacheco

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14178 Kimberly A Johnson

Chapter 7

#10.00 Reaffirmation Agreement Between Debtor and VW Credit, Inc.

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly A Johnson

Represented By
David S Hagen

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14234 Matthew Raymond Shoup and Leyla Emperatriz Shoup

Chapter 7

**#11.00 Reaffirmation Agreement Between Debtor and CARMAX AUTO FINANCE
(2014 KIA OPTIMA - \$12,950.00 value)**

Docket 14

***** VACATED *** REASON: Refiled reaffirmation agreement & attorney
certified. Hearing taken off calendar-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Raymond Shoup

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Leyla Emperatriz Shoup

Represented By
Gregory M Shanfeld

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14234 Matthew Raymond Shoup and Leyla Emperatriz Shoup

Chapter 7

**#12.00 Reaffirmation Agreement Between Debtor and CARMAX AUTO FINANCE
(2014 KIA OPTIMA - \$11,350.00 value)**

Docket 15

***** VACATED *** REASON: Refiled reaffirmation agreement & attorney
certified. Hearing taken off calendar-mb.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Raymond Shoup

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Leyla Emperatriz Shoup

Represented By
Gregory M Shanfeld

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14636 Fei Teng and Emma Loi

Chapter 7

#13.00 Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc.

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fei Teng

Represented By
Eliza Ghanooni

Joint Debtor(s):

Emma Loi

Represented By
Eliza Ghanooni

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14705 Lindsey Brummert

Chapter 7

#14.00 Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC
(2019 Ford EcoSport)

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lindsey Brummert

Represented By
Gregory Grigoryants

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14806 Manuel Correa and Germana Ruth Correa

Chapter 7

#15.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Correa

Represented By
Marlin Branstetter

Joint Debtor(s):

Germana Ruth Correa

Represented By
Marlin Branstetter

Trustee(s):

Elissa Miller (TR)

Pro Se

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

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-14819 Darrell Matthew Smith

Chapter 7

#16.00 Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Dba GM Financial (Youngblood, Mandy)

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell Matthew Smith

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-15028 Edgar Ortega

Chapter 7

#17.00 Reaffirmation Agreement Between Debtor and CARMAX AUTO FINANCE

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Ortega

Represented By
Julie J Villalobos

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-15238 Nory Seclen

Chapter 7

#18.00 Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nory Seclen

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**

Monday, August 16, 2021

Hearing Room 1675

11:00 AM

2:21-15419 Brian R Farr

Chapter 7

#19.00 Reaffirmation Agreement Between Debtor and Carvana LLC

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian R Farr

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, August 17, 2021

Hearing Room 1675

10:30 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1608776727>

ZoomGov meeting number: 160 877 6727

Password: 808318

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, August 17, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, August 17, 2021

Hearing Room 1675

1:30 PM

2:14-22240 Shany Benmoshe

Chapter 7

Adv#: 2:20-01060 Ben-Moshe et al v. California State Board Of Equalization

#1.00 Cont'd status conference re: Complaint for 1. declaratory relief; 2. Violation of discharge fr. 4/13/21, 6/8/21, 6/15/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/16/21. The parties should report if they have completed mediation and discovery, and if the matter is not settled, when it should be set for a pretrial conference. Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed the joint status report and notes that the parties do not agree as to dates for a schedule of pretrial proceedings and whether the matter should be ordered to mediation. No tentative ruling on the merits. Appearances are required on 6/9/20 to discuss scheduling and possible referral to mediation, but counsel and self-represented parties must appear by telephone. Due to the public health emergency from the coronavirus disease (COVID-19) outbreak declared in the State of California and the United States of America and to minimize the spread of the disease from in person social contact, the court is only conducting hearings with telephonic appearances for this matter as the courthouse is currently closed to the public by orders of the United States District Court for the Central District of California and this court and that this court will not be holding in person hearings by the date of this hearing. Counsel and self-represented parties must arrange their telephonic appearances through CourtCall, which is offering a discount on fees for attorneys and waiving all fees for self-represented parties. Information about arranging a telephonic appearance through CourtCall is posted 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, August 17, 2021

Hearing Room 1675

1:30 PM

CONT... Shany Benmoshe

Chapter 7

Debtor(s):

Shany Benmoshe

Represented By
Simon Aron
Barry E Cohen

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Shany Ben-Moshe

Represented By
Barry E Cohen

Shany Benmoshe

Represented By
Barry E Cohen

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 17, 2021

Hearing Room 1675

2:30 PM

2:14-29611 Nikolay Machevsky

Chapter 7

Adv#: 2:21-01070 Avery v. Parenago

#2.00 Hearing re: Plaintiff's motion for default judgment under LBR 7055-1

Docket 14

Tentative Ruling:

Grant plaintiff's motion for default judgment for the reason stated in the moving papers and for lack of timely written opposition. Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

Defendant(s):

Liubov Parenago

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Nancy H Zamora

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, August 17, 2021

Hearing Room 1675

2:30 PM

2:14-29611 Nikolay Machevsky

Chapter 7

Adv#: 2:21-01070 Avery v. Parenago

#3.00 Cont'd status conference re: Complaint for (1) avoidance of post petition transfer; (2) recovery of avoided transfer; (3) avoidance and recovery of fraudulent conveyance; (4) automatic preservation of avoided transfer; and (5) declaratory relief fr. 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/16/21. No tentative ruling on the merits. Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Nikolay Machevsky

Represented By
Benjamin Nachimson

Defendant(s):

Liubov Parenago

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Nancy H Zamora

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, August 17, 2021

Hearing Room 1675

2:30 PM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

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

Docket 138

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final report and fee application of the trustee, the court determines that oral argument on the final report and fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final report and fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final report and fee application on the papers, and approves the final report and fee application for the reasons stated in the final report and fee application and for lack of timely written opposition. No appearances are required on 8/17/21. Trustee to lodge a proposed order within 7 days of hearing.

Party Information

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 17, 2021

Hearing Room 1675

2:30 PM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

#5.00 Hearing re: Application for fees and expenses
[Levene, Neale, Bender, Yoo & Brill LLP, Attorney for Chapter 7 Trustee]

Docket 135

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of the general bankruptcy counsel to the trustee, the court determines that oral argument on the final fee application is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application for the reasons stated in the final fee application and for lack of timely written opposition. No appearances are required on 8/17/21. Trustee or applicant to lodge a proposed order within 7 days of hearing.

Party Information

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
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Tuesday, August 17, 2021

Hearing Room 1675

2:30 PM

2:17-21018 Prototype Engineering & Manufacturing, Inc.

Chapter 7

#6.00 Hearing re: Application for fees and expenses
[CBIZ Valuation Group, LLC, Accountant for Chapter 7 Trustee]

Docket 130

Tentative Ruling:

Off calendar. In light of the lack of any timely written opposition to the final fee application of the financial consultant to the trustee in the voluntarily reduced amounts of \$192,076.67 in fees and \$14,260.52 in expenses as agreed to by the trustee, the court determines that oral argument on the final fee application in the reduced amounts is not necessary and dispenses with oral argument pursuant to Local Bankruptcy Rule 9013-1(j)(3). The court deems the lack of filing and service of a timely written opposition as consent to approval of the final fee application pursuant to Local Bankruptcy Rule 9013-1(f) and (h), rules on the final fee application on the papers, and approves the final fee application in the reduced amounts for the reasons stated in the final fee application and for lack of timely written opposition, including the trustee's declaration in support of the application in the reduced amounts. No appearances are required on 8/17/21. Trustee or applicant to lodge a proposed order within 7 days of hearing.

Party Information

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
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Tuesday, August 17, 2021

Hearing Room 1675

2:30 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, August 17, 2021

Hearing Room 1675

2:30 PM

2:19-20207 Sailfish Capital Partners, LLC

Chapter 7

#7.00 Hearing re: Chapter 7 trustee's motion for entry of order (A) approving sale of real property free and clear of all liens and encumbrances pursuant to 11 U.S.C. §§363(b) and (f), (B) finding buyer qualifies as a good faith purchaser pursuant to 11 U.S.C. §363(m), (C) approving overbid procedures, and (D) waiving Fed. R. Bankr. P. 6004(h) stay

Docket 49

Tentative Ruling:

Grant trustee's motion for entry of order approving sale of real property free and clear of all liens and encumbrances pursuant to 11 U.S.C. 363(b) and (f), approving overbid procedures and waiving the stay under FRBP 6004(h). No tentative ruling as to finding the buyer as a good faith purchaser pursuant to 11 U.S.C. 363(m) as the sale may be subject to overbidding, though if there are no overbidders as counsel for trustee represents in his recently filed declaration, the court would accept the trustee's offer of proof in his declaration that the buyer is a good faith purchaser in good faith and so find pursuant to 11 U.S.C. 363(m).

Appearances are required on 8/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Sailfish Capital Partners, LLC

Represented By
Leslie A Cohen

Trustee(s):

Wesley H Avery (TR)

Represented By
Alan I Nahmias

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

Wednesday, August 18, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1611261185>

ZoomGov meeting number: 161 126 1185

Password: 973513

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
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Los Angeles
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Wednesday, August 18, 2021

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11:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Wednesday, August 18, 2021

Hearing Room 1675

11:00 AM

2:18-10524 Fox Property Holdings, LLC

Chapter 11

#1.00 Cont'd status conference re: Management of chapter 11 case
fr. 9/16/20, 3/17/21, 5/19/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, August 18, 2021

Hearing Room 1675

11:00 AM

2:20-18801 Hollywood for Children, Inc., a New York non-profi

Chapter 11

#2.00 Hearing re: Debtor and debtor in possession's motion for order further continuing hearing re confirmation of debtor and debtor in possession's plan of reorganization and related voting and confirmation procedures

Docket 52

Tentative Ruling:

The court is inclined to grant the motion for continuance of the plan confirmation hearing and related proceedings for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Hollywood for Children, Inc., a New

Represented By
Daniel A Lev

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, August 18, 2021

Hearing Room 1675

11:30 AM

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.

#3.00 Cont'd pretrial conference re: Application of Sam S. Leslie, plan agent, for issuance of order approving the issuance of writ of execution and appointment of plaintiff as substitute custodian for U.S. Marshal in furtherance of execution of writ and notice of levy; and for order approving sale of artworks free and clear of any claim of lien or interest
fr. 5/6/21, 6/2/21, 7/8/21

Docket 713

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the pretrial conference on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on

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**CONT... Art and Architecture Books of the 21st Century
4/28/21.**

Chapter 11

Prior tentative ruling. Regarding the issue of whether the court may enter a final judgment on the plan agent's claim to the Banksy artwork, the court agrees with the 400 South La Brea Defendants that the answer is no because the plan agent's claim is a noncore but otherwise related to the bankruptcy case subject to the restrictions of *Stern v. Marshall*, 564 U.S. 462 (2011). The plan agent's claim is based on California state law collection procedures to enforce the judgment entered by this court in this adversary proceeding against defendant Ace Museum through a judgment levy on property of the judgment debtor, Ace Museum, which is a nonbankruptcy debtor party, but legal title to the levied property is contested by third parties, the 400 South La Brea Defendants. Pursuant to California Code of Civil Procedure 720.170(d), the court will conduct a hearing to determine the third party claim of the 400 South La Brea Defendants to the property levied upon by the reorganized debtor as the judgment creditor of defendant Ace Museum. The dispute is whether the property belongs to Ace Museum subject to the reorganized debtor's judgment levy or to the 400 South La Brea Defendants, that is, the dispute is over ownership as to nonbankruptcy debtor parties. Thus, the court disagrees with the plan agent's characterization of his claim being a core proceeding over whether the property was part of the bankruptcy estate under 11 U.S.C. 541. Regardless whether the 400 South La Brea Defendants have asserted counterclaims in this adversary proceeding, this particular dispute involving the Banksy artwork is noncore because the action at issue does not "stem from the bankruptcy itself, nor would it necessarily be resolved in the claims allowance process." *Stern v. Marshall*, 564 U.S. at 499. Absent consent to the bankruptcy court's authority to enter a final judgment on the matter, which is not manifested here, the bankruptcy court may only proceed with hearing the dispute by issuing proposed findings of fact and conclusions of law for review and approval by the district court, which has the authority to enter a final judgment. *Executive Benefits Insurance Agency v. Arkison*, 573 U.S. 25, 35-37 (2014).

The court will discuss scheduling of the trial with the parties and conducting the trial remotely.

Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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Wednesday, August 18, 2021

Hearing Room 1675

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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
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
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

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, August 18, 2021

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CONT... Art and Architecture Books of the 21st Century Chapter 11

Brian L Davidoff

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Wednesday, August 18, 2021

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11:30 AM

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.

#4.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 1 to strike plan agent's expert designation and preclude testimony from plan agent's purported expert George I. Saadian
fr. 5/6/21, 6/2/21, 7/8/21

Docket 898

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Revised tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion for about one week to 5/6/21 at 2:00 p.m. because it needs more time to deliberate on the motion, given the recent supplemental filings by the parties. Preliminarily, the court is

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CONT... **Art and Architecture Books of the 21st Century** Chapter 11

considering whether or not to adopt the same tentative ruling as to the other motions in limine, particularly since the purpose of the Saadian expert testimony was to rebut the expert testimony of defendants' expert, which is somewhat more open-ended than defendants describe in their motion. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. The motion in limine to exclude the testimony of the designated expert witness is moot in light of the untimely death of the expert witness and the granting of the plan agent's motion to designate a replacement witness by 4/1/21. While movant filed a statement of nonopposition to its motion, the court notes that in light of its order granting the plan agent's motion to designate a replacement witness, the motion may be superseded by the designation of a replacement witness as permitted by the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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):

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

Jennifer Kellen

Represented By

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CONT... Art and Architecture Books of the 21st Century Chapter 11

Michael D Sobkowiak

Ace Gallery New York Corporation,

Represented By
Alan W Forsley

Douglas Christmas

Represented By
Jonathan Seligmann Shenson

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
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

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

**United States Bankruptcy Court
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CONT...

Art and Architecture Books of the 21st Century

Chapter 11

David J Richardson

Victor A Sahn

Sam Leslie

Represented By

Victor A Sahn

Carolyn A Dye

David J Richardson

Jason Balitzer

Steven Thomas

Stephen Sorensen

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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.

#5.00 Cont'd hearing re: 400 S. La Brea, LLC's motion in limine no. 2 to strike plan agent's expert designation and preclude testimony from James C. Smith
fr. 5/6/21, 7/8/21, 7/8/21

Docket 899

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the Plan Agent

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CONT... **Art and Architecture Books of the 21st Century** Chapter 11

that the court does not have to exclude the expert testimony evidence before trial since this is a bench trial, and the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the particular expert is needed to rebut the other party's expert testimony. See Plan Agent's Opposition to Motion in Limine at 4-5; see also, *Kansas City Southern Railway Co. v. SNY Island Levee Drainage District*, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

**United States Bankruptcy Court
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Los Angeles
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CONT... Art and Architecture Books of the 21st Century

Chapter 11

ACE MUSEUM, a California

Represented By
Alan W Forsley

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

**United States Bankruptcy Court
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CONT... Art and Architecture Books of the 21st Century Chapter 11

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
Steven Thomas
Stephen Sorensen

**United States Bankruptcy Court
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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.

#6.00 Cont'd hearing re: Plan agent's motion to limine to exclude the expert report submitted by 400 S. La Brea
fr. 5/6/21, 6/2/21, 7/8/21

Docket 900

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling as of 4/5/21. Somewhat agreeing with the 400 South La Brea Defendants' observation that the court's "gatekeeping" function is more

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CONT... Art and Architecture Books of the 21st Century Chapter 11

relaxed in the context of a bench trial, as the court is both the "gatekeeper" and the trier of fact, and not a jury, the court is inclined to defer ruling on the motion in limine to exclude the witness's testimony until trial or at least until all the expert witnesses are designated and their reports are served since argument has been made that the witness's knowledge and experience in the field is a sufficient foundation for him to testify on industry standards, i.e., commercial/industrial real estate leasing. See 400 South La Brea Defendants' Opposition to Motion in Limine at 5-6 see also, Kansas City Southern Railway Co. v. SNY Island Levee Drainage District, 831 F.3d 892, 900 (7th Cir. 2016) ("Where a trial judge conducts a bench trial, the judge need not conduct a *Daubert* (or Rule 702) analysis before presentation of the evidence, even though he must determine admissibility at some point."); Pacific Fuel Co., LLC v. Shell Oil Co., Case No. CV 06-0225 AG (AJWx), 2008 WL 11336467 (C.D. Cal. Jan. 24, 2008), citing and quoting inter alia, Kona Technology Corp. v. Southern Pacific Transportation Co., 225 F.3d 595, 611 (5th Cir. 2000) ("[A] trial court's reliance on individuals experienced in a particular field for the purposes of obtaining explanation of the technical meaning of terms used in the industry is 'prudent.'"). Movant can renew the motion in limine at the start of trial, or interpose an objection to the testimony or make a motion to strike. Considering movant's reply, the court makes the further observation that although the testimony may be ultimately inadmissible, it may be useful and helpful to the court for it to be considered as further argument on behalf of the proponent. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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

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Los Angeles
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CONT... Art and Architecture Books of the 21st Century

Chapter 11

Defendant(s):

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 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 Keith Patrick Banner
Kamran Gharibian	Represented By Brian L Davidoff Keith Patrick Banner
Daryoush Dayan	Represented By Brian L Davidoff Keith Patrick Banner
Cathay Bank, a California	Represented By Ekwan E Rhow Elliot C Harvey Schatmeier
Jennifer Kellen	Represented By

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

Wednesday, August 18, 2021

Hearing Room 1675

11:30 AM

CONT... Art and Architecture Books of the 21st Century
Michael D Sobkowiak

Chapter 11

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
Steven Thomas
Stephen Sorensen

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

Wednesday, August 18, 2021

Hearing Room 1675

11:30 AM

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.

#7.00 Cont'd hearing re: Plan Agent's motion in limine to exclude the testimony of Douglas Christmas
fr. 5/6/21, 6/2/21, 7/8/21

Docket 937

Tentative Ruling:

Updated tentative ruling as of 8/13/21. No tentative ruling on the merits. Appearances are required on 8/18/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 7/2/21. No tentative ruling on the merits. Appearances are required on 7/8/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/28/21. No tentative ruling on the merits. Appearances are required on 6/2/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Updated tentative ruling as of 5/3/21. No updated tentative ruling on the merits. Appearances are required on 5/6/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/27/21. Off calendar. The court on its own motion continues the hearing on the motion to 5/6/21 at 2:00 p.m. to be conducted with the other hearings being continued to that date and time. No updated tentative ruling on the merits. No appearances are required on 4/28/21.

Prior tentative ruling. Regarding the motion, it is unclear whether the plan agent has attempted to take discovery of the witness specifically regarding

**United States Bankruptcy Court
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11:30 AM

CONT... **Art and Architecture Books of the 21st Century** **Chapter 11**

the Banksy artwork dispute as he says that the witness has generally invoked the Fifth Amendment privilege in discovery proceedings in this case (there is no evidence in the moving papers showing that the witness invoked the Fifth Amendment privilege as to specific questions regarding the Banksy dispute, and furthermore, it does not appear that the proper steps to take discovery of the witness have been taken regarding the Banksy dispute, such as the service of a deposition notice or a witness subpoena regarding the Banksy dispute--service of an email request on the witness's counsel may be appropriate professional courtesy, but not legally sufficient here to warrant granting relief on this record). Moreover, the cases cited by the plan agent that a party who refuses to participate in discovery in a civil action by generally invoking the Fifth Amendment privilege forfeits the right to introduce evidence in the litigation as to matters which he or she has refused to testify are not precisely on point as the witness is not offering evidence on this specific matter since he is being called as a witness by other parties, the 400 South La Brea Defendants, and not for himself. However, once the plan agent has taken the proper steps to take the witness's deposition and the witness has refused or evaded such attempts, it would be unfair and prejudicial to the plan agent to allow the witness to testify. If the witness is being called to testify at trial, a party should be able to take discovery of that witness's testimony through a deposition before trial. It seems to the court that since the witness is a party to the adversary proceeding, the plan agent can serve a notice of deposition rather than a subpoena to take the deposition, though probably, given the background and history of this litigation, the parameters of the deposition should be discussed in advance between the parties, the witness and his counsel, and the court. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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
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Wednesday, August 18, 2021

Hearing Room 1675

11:30 AM

CONT... Art and Architecture Books of the 21st Century
Alan I Nahmias

Chapter 11

Defendant(s):

Ace Gallery New York Corporation,	Represented By Alan W Forsley
Douglas Christmas	Represented By Jonathan Seligmann Shenson
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 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 Keith Patrick Banner
Kamran Gharibian	Represented By Brian L Davidoff Keith Patrick Banner
Daryoush Dayan	Represented By Brian L Davidoff Keith Patrick Banner
Cathay Bank, a California	Represented By Ekwan E Rhow Elliot C Harvey Schatmeier

**United States Bankruptcy Court
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Wednesday, August 18, 2021

Hearing Room 1675

11:30 AM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

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

Steven Thomas

Stephen Sorensen

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, August 18, 2021

Hearing Room 1675

2:00 PM

2:12-15652 Dale Alfred Williams

Chapter 11

#8.00 Cont'd pretrial and technical status conference re: Management of chapter 11 case
fr. 2/17/21, 4/7/21, 8/11/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/17/21. No tentative ruling on the merits. Appearances are required on 8/18/21 to discuss the status of the settlement conference proceedings before Judge Wallace and the status of trial preparations for Phase 2, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 8/9/21. No tentative ruling on the merits. Appearances are required on 8/11/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling. The court has reviewed the parties' joint status report. Given the long pendency of this contested matter since the court issued its findings of fact and rulings of law on Phase I of the trial two years ago, the court will order that the parties appear before Judge Wallace for a settlement conference on or before 9/30/21 (Judge Wallace has advised the court that he is available) and will set Phase II of the trial of this contested matter for October 2021. This will give five months for the parties to participate in the settlement conference and six months to prepare for Phase II of the trial, which the court believes is ample preparation time. In light of the current pandemic, the court plans on conducting the trial remotely through Zoom for Government and will discuss remote trial procedures with the parties and will set a further pretrial conference to discuss substantive pretrial matters for July 2021. Appearances are required on 4/7/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

**United States Bankruptcy Court
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Wednesday, August 18, 2021

Hearing Room 1675

2:00 PM

CONT... Dale Alfred Williams

Chapter 11

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
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Thursday, August 19, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602129175>

ZoomGov meeting number: 160 212 9175

Password: 241015

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
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9:00 AM
CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Thursday, August 19, 2021

Hearing Room 1675

9:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#1.00 TRIAL 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. 3/16/21, 4/13/21, 5/4/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by

**United States Bankruptcy Court
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Thursday, August 19, 2021

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9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but

**United States Bankruptcy Court
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9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Thursday, August 19, 2021

Hearing Room 1675

9:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#2.00 TRIAL 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. 3/16/21, 4/13/21, 5/4/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving

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9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular

**United States Bankruptcy Court
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Los Angeles
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Thursday, August 19, 2021

Hearing Room 1675

9:00 AM

CONT... Philip Joseph Jaurigui Chapter 7

hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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**

Friday, August 20, 2021

Hearing Room 1675

9:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602129175>

ZoomGov meeting number: 160 212 9175

Password: 241015

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

9:00 AM

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Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Los Angeles
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Friday, August 20, 2021

Hearing Room 1675

9:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#1.00 CONT'D TRIAL 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. 4/13/21, 5/4/21, 8/19/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by

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

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9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but

**United States Bankruptcy Court
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Los Angeles
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9:00 AM

CONT... **Philip Joseph Jaurigui**

Chapter 7

it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

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**

Friday, August 20, 2021

Hearing Room 1675

9:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

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

#2.00 CONT'D TRIAL 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. 4/13/21, 5/4/21, 8/19/21

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Updated tentative ruling as of 5/3/21. No tentative ruling on the merits. Appearances are required on 5/4/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving

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

Friday, August 20, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular

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

Friday, August 20, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

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**

Wednesday, August 25, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

#1.00 Cont'd status conference re: Post confirmation of plan
fr. 1/20/21, 5/19/21, 5/26/21

Docket 478

***** VACATED *** REASON: Cont'd from 8/25/21 to 9/1/21 at 11:00 a.m.
per order entered on 8/11/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/20/21. Off calendar. Continued to 9/1/21 at 11:00 a.m. by prior order. No appearances are required on 8/25/21.

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, August 25, 2021

Hearing Room 1675

11:00 AM

2:18-11475 Catherine Trinh

Chapter 11

Adv#: 2:19-01506 Trinh v. Second Generation, a California corporation

#2.00 Cont'd status conference re: Complaint for: (1) declaratory relief; (2) avoidance and recovery of preferential transfer; (3) recovery of property; (4) preservation of a preferential transfer; and (5) disallowance of claim
fr. 11/18/20, 2/17/21, 6/9/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/25/21 to 9/29/21 at 11:00 a.m.
per stip & order entered on 8/2/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/24/21. Off calendar. Continued by stipulation and order to 9/29/21 at 11:00 a.m. No appearances are required on 8/25/21.

Party Information

Debtor(s):

Catherine Trinh

Represented By
Alan W Forsley

Defendant(s):

Second Generation, a California

Pro Se

Plaintiff(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, August 26, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606000482>

ZoomGov meeting number: 160 600 0482

Password: 145576

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Thursday, August 26, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Thursday, August 26, 2021

Hearing Room 1675

11:00 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#1.00 CONT'D TRIAL 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. 7/7/21, 8/12/21, 8/13/21

Docket 1

***** VACATED *** REASON: Rescheduled from 8/26/21 to 10/01/21 at 9:00 a.m. per order entered on 8/10/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/11/21. The trial is rescheduled to 9/24/21, 9/30/21 and 10/1/21, starting at 9:00 a.m. each day, as stated in the scheduling order entered on 8/10/21. No appearances are required on 8/12/21.

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

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

Thursday, August 26, 2021

Hearing Room 1675

11:00 AM

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**

Friday, August 27, 2021

Hearing Room 1675

11:00 AM
2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1606000482>

ZoomGov meeting number: 160 600 0482

Password: 145576

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for

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

Friday, August 27, 2021

Hearing Room 1675

11:00 AM

CONT...

Chapter

Judge Robert N. Kwan's Cases" on the Court's website at:
<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the
"Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these
proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Friday, August 27, 2021

Hearing Room 1675

11:00 AM

2:18-11148 Jong J Kim

Chapter 7

Adv#: 2:18-01134 Shon et al v. Kim et al

#1.00 CONT'D TRIAL 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. 8/12/21, 8/13/21, 8/26/21

Docket 1

***** VACATED *** REASON: Per order entered on 8/10/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/11/21. The trial is rescheduled to 9/24/21, 9/30/21 and 10/1/21, starting at 9:00 a.m. each day, as stated in the scheduling order entered on 8/10/21. No appearances are required on 8/12/21.

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

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

Friday, August 27, 2021

Hearing Room 1675

11:00 AM

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, August 31, 2021

Hearing Room 1675

10:30 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1603733928>

ZoomGov meeting number: 160 373 3928

Password: 065086

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

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

Tuesday, August 31, 2021

Hearing Room 1675

10:30 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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

Tuesday, August 31, 2021

Hearing Room 1675

1:30 PM

2:17-23722 Kody Branch of California, Inc.

Chapter 7

Adv#: 2:19-01471 Avery v. Los Angeles County Tax Collector

#1.00 Cont'd status conference re: Complaint for avoidance, recovery, and preservation of fraudulent and unauthorized postpetition transfers
fr. 2/2/21, 6/15/21, 7/27/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/31/21 to 10/6/21 at 11:30 a.m.
per stip & order entered on 8/11/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/30/21. Off calendar. Continued by stipulation and order to 10/6/21 at 11:30 a.m. No appearances are required on 8/31/21.

Prior tentative ruling. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The parties should address whether the court should refer this matter to the court's mediation program as the parties differ on whether mediation should be ordered. Appearances are required on 2/2/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Kody Branch of California, Inc.

Represented By
John-Patrick M Fritz

Defendant(s):

Los Angeles County Tax Collector

Pro Se

Plaintiff(s):

Wesley H Avery

Represented By
David Wood

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

Tuesday, August 31, 2021

Hearing Room 1675

1:30 PM

CONT... Kody Branch of California, Inc.

Chapter 7

D Edward Hays

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, August 31, 2021

Hearing Room 1675

1:30 PM

2:20-11519 Ki Hyong Kim

Chapter 7

#1.10 Hearing re: Motion for court consent to enter into loan modification agreement

Docket 42

Tentative Ruling:

Corrected tentative ruling. No tentative ruling as of 8/27/21. Movant should address the court's concerns raised in the order setting hearing.

Appearances are required on 8/31/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Ki Hyong Kim

Represented By
Andrew Edward Smyth

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, August 31, 2021

Hearing Room 1675

2:00 PM

2:18-21855 Michael Richard Shapiro
Adv#: 2:19-01009 Vechery v. Shapiro

Chapter 7

#2.00 Pre-Trial Technical Status Conferece by **ZOOM** re: Complaint to determine non-dischargeability of debt under bankruptcy code section 523 fr. 1/19/21, 2/16/21, 7/6/21

Docket 1

***** VACATED *** REASON: Cont'd from 8/31/21 to 11/2/21 at 2:00 p.m. per stip & order entered on 7/7/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 8/30/21. Off calendar. Continued by stipulation and order to 11/2/21 at 2:00 p.m. No appearances are required on 8/31/21.

Revised and updated tentative ruling as of 2/12/21. The court has reviewed the joint status report. Set a discovery cutoff date of 5/28/21, set a cutoff date of 3/15/21 for filing motions to join new parties or to amend pleadings, and set a postdiscovery status conference for 6/15/21 at 1:30 p.m. with a status report due on 6/8/21. Alternatively, the court can just set a date for a pretrial conference instead of the postdiscovery status conference. The court will refer this matter to the court's mediation program, and mediation should be completed by 6/15/21. Regarding defendant's request that further proceedings be conducted by telephone or video conference, the court will be conducting hearings remotely for the time being as the federal courthouses in this district are currently closed for in person hearings. Appearances are required on 2/17/21, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Michael Richard Shapiro

Represented By
Charles Shamash
Joseph E. Caceres

Defendant(s):

Michael Richard Shapiro

Pro Se

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

Tuesday, August 31, 2021

Hearing Room 1675

2:00 PM

CONT... Michael Richard Shapiro

Chapter 7

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, August 31, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01276 Goodrich v. Shemtov

#3.00 Cont'd hearing re: Motion of chapter 7 trustee for summary judgment against George Shemtov
fr. 1/19/21, 3/9/21, 6/29/21

Docket 29

Tentative Ruling:

Updated tentative ruling as of 8/27/21. Off calendar. The court has reviewed plaintiff's unilateral status report that settlement of this adversary proceeding is pending through his motion to approve compromise under FRBP 9019, which is filed in the main bankruptcy case and is being re-served pursuant to LBR 9013-1(o). In light of these circumstances and plaintiff's request to continue the hearing on the summary judgment motion for about 60 days, the court on its own motion continues the hearing to 10/26/21 at 1:30 p.m. No appearances are required on 8/31/21.

Party Information

Debtor(s):

SOCALDEAL INC

Represented By
Fari B Nejadpour
Keith F Rouse

Defendant(s):

George Shemtov

Represented By
Keith F Rouse

Movant(s):

David M. Goodrich

Represented By
Faye C Rasch

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, August 31, 2021

Hearing Room 1675

2:30 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, August 31, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01277 Goodrich v. Shemtov

#4.00 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. 3/9/21, 4/27/21, 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/27/21. Off calendar. The court has reviewed plaintiff's unilateral status report that settlement of this adversary proceeding is pending through his motion to approve compromise under FRBP 9019, which is filed in the main bankruptcy case and is being re-served pursuant to LBR 9013-1(o). In light of these circumstances and plaintiff's request to continue the status conference for about 60 days, the court on its own motion continues the status conference to 10/26/21 at 1:30 p.m. No appearances are required on 8/31/21.

Party Information

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

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

Tuesday, August 31, 2021

Hearing Room 1675

2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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, August 31, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01278 Goodrich v. Shemtov

#5.00 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. 3/9/21, 4/27/21, 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/27/21. Off calendar. The court has reviewed plaintiff's unilateral status report that settlement of this adversary proceeding is pending through his motion to approve compromise under FRBP 9019, which is filed in the main bankruptcy case and is being re-served pursuant to LBR 9013-1(o). In light of these circumstances and plaintiff's request to continue the status conference for about 60 days, the court on its own motion continues the status conference to 10/26/21 at 1:30 p.m. No appearances are required on 8/31/21.

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

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

Tuesday, August 31, 2021

Hearing Room 1675

2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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, August 31, 2021

Hearing Room 1675

2:30 PM

2:18-12119 SOCALDEAL INC

Chapter 7

Adv#: 2:19-01279 Goodrich v. Shemtov

#6.00 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. 3/9/21, 4/27/21, 6/29/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 8/27/21. Off calendar. The court has reviewed plaintiff's unilateral status report that settlement of this adversary proceeding is pending through his motion to approve compromise under FRBP 9019, which is filed in the main bankruptcy case and is being re-served pursuant to LBR 9013-1(o). In light of these circumstances and plaintiff's request to continue the status conference for about 60 days, the court on its own motion continues the status conference to 10/26/21 at 1:30 p.m. No appearances are required on 8/31/21.

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

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

Tuesday, August 31, 2021

Hearing Room 1675

2:30 PM

CONT... SOCALDEAL INC

Chapter 7

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, August 31, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

#7.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Howard M. Ehrenberg, Chapter 7 Trustee]

Docket 146

***** VACATED *** REASON: Cont'd from 8/31/21 to 9/14/21 at 2:30 p.m.
per order entered on 8/30/21-mb.**

Tentative Ruling:

Off calendar. The court on its own motion continues the hearing on the trustee's final report and fee application to 9/14/21 at 2:30 p.m. on grounds that as indicated on the proof of service of the fee application of counsel for trustee, Jeffrey Shinbrot, counsel for trustee failed to serve a judge's copy of his application as required by LBR 5005-2(d) as the application is 48 pages long, well in excess of the pandemic exception under the court's General Order 21-05 of 25 pages or less. The court has ordered counsel to serve a copy of his application by mail no later than 8/31/21, so the court receives it in time for review before the continued hearing on 9/14/21. Meanwhile, the court will hear all the professional applications in this case at the same time, and will also continue the other pending fee applications, including this one, to the same date and time. No appearances are required on 8/31/21.

Party Information

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, August 31, 2021

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2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

#8.00 Hearing re: Application for fees and expenses
[Resnik Hayes Moradi LLP, Former General Bankruptcy Counsel for the Debtor]

Docket 102

***** VACATED *** REASON: Cont'd from 8/31/21 to 9/14/21 at 2:30 p.m.
per order entered on 8/30/21-mb.**

Tentative Ruling:

Off calendar. The court on its own motion continues the hearing on the fee application to 9/14/21 at 2:30 p.m. on grounds that as indicated on the proof of service of the fee application of counsel for trustee, Jeffrey Shinbrot, counsel for trustee failed to serve a judge's copy of his application as required by LBR 5005-2(d) as the application is 48 pages long, well in excess of the pandemic exception under the court's General Order 21-05 of 25 pages or less. The court has ordered counsel to serve a copy of his application by mail no later than 8/31/21, so the court receives it in time for review before the continued hearing on 9/14/21. Meanwhile, the court will hear all the professional applications in this case at the same time, and will also continue the other pending fee applications, including this one, to the same date and time. No appearances are required on 8/31/21.

Party Information

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, August 31, 2021

Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

#9.00 Hearing re: Application for fees and expenses
[Jeffrey S. Shinbrot, APLC, Attorney for Chapter 7 Trustee]

Docket 143

***** VACATED *** REASON: Cont'd from 8/31/21 to 9/14/21 at 2:30 p.m.
per order entered on 8/30/21-mb.**

Tentative Ruling:

Off calendar. The court on its own motion continues the hearing on the fee application to 9/14/21 at 2:30 p.m. on grounds that as indicated on the proof of service of the application, applicant failed to serve a judge's copy of the application as required by LBR 5005-2(d) as the application is 48 pages long, well in excess of the pandemic exception under the court's General Order 21-05 of 25 pages or less. The court orders applicant to serve a copy of his application by mail no later than 8/31/21, so the court receives it in time for review before the continued hearing on 9/14/21. No appearances are required on 8/31/21.

Party Information

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
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Hearing Room 1675

2:30 PM

2:19-10246 Dean Henrik Okland

Chapter 7

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

Docket 144

***** VACATED *** REASON: Cont'd from 8/31/21 to 9/14/21 at 2:30 p.m.
per order entered on 8/30/21-mb.**

Tentative Ruling:

Off calendar. The court on its own motion continues the hearing on the fee application to 9/14/21 at 2:30 p.m. on grounds that as indicated on the proof of service of the fee application of counsel for trustee, Jeffrey Shinbrot, counsel for trustee failed to serve a judge's copy of his application as required by LBR 5005-2(d) as the application is 48 pages long, well in excess of the pandemic exception under the court's General Order 21-05 of 25 pages or less. The court has ordered counsel to serve a copy of his application by mail no later than 8/31/21, so the court receives it in time for review before the continued hearing on 9/14/21. Meanwhile, the court will hear all the professional applications in this case at the same time, and will also continue the other pending fee applications, including this one, to the same date and time. No appearances are required on 8/31/21.

Party Information

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
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Hearing Room 1675

2:30 PM

2:19-15982 Daniel Hyun You

Chapter 7

#11.00 Hearing re: Trustee's motion to sell real property located at 1165 W. 225th Street, Torrance, CA 90502; (1) Outside the Ordinary Course of Business; (2) Free and Clear of Liens, Claims, and Interests Under 11 U.S.C. Section 363(f) with All Such Liens, Claims, and Interests to Attach to Proceeds of Sale; (3) For Good Faith Determination Under 11 U.S.C. Section 363(m); and (4) for Waiver of 14 day stay

Docket 101

Tentative Ruling:

Updated tentative ruling as of 8/27/21. Service of the motion appears to be deficient as all creditors must be served with notice of the motion pursuant to FRBP 2002(a)(2), and the proof of service of the notice of motion does not indicate service on secured creditor, Aju Small but Great Fund 5, at its address of record on the creditor mailing matrix and on its proof of claim (stating that Pio S. Kim is the designated noticee for Aju, and notice was not served on him either by mail or electronically). The proof of service indicates service on several attorneys who are counsel for the creditor by electronic notice, but not on the creditor by mail. There is no indication of authorization of the creditor to accept service of notices regarding its claim other than as stated on its proof of claim or for counsel to accept service on its behalf for notices under FRBP 2002. See *In re Villar*, 317 B.R. 88 (9th Cir. BAP 2004). Proper service on this creditor is critical because the trustee is seeking to sell free and clear of this creditor's lien pursuant to 11 U.S.C. 363(f), and it is unclear whether such sale free and clear of lien is proper. See *Clear Channel Outdoor, Inc. v. Knupfer*, 391 B.R. 25 (9th Cir. BAP 2008); but see, *In re Joan, Inc.*, 403 B.R. 866 (Bankr. W.D. Wash. 2009). Trustee relies upon *In the Matter of Spanish Peaks Holdings II, LLC*, 872 F.3d 892 (9th Cir. 2017) to argue that the sale may be free and clear of Aju's lien without providing payment for it because it may receive no payment upon foreclosure, but that case involved a leasehold interest under Montana law rather than a lien interest under California law as in California law. The Ninth Circuit in *Spanish Peaks* did not overrule or refer to *Clear Channel*. Also, trustee will need to address the limited opposition of U.S. Bank regarding the the first lien on the property, though it appears that the trustee agrees that the lien needs to be paid in full as demanded by the lienholder and that the effect will reduce the

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CONT... Daniel Hyun You

Chapter 7

net sales proceeds by about \$60,000 of the \$220,000 estimated in the moving papers. Appearances are required on 9/1/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Daniel Hyun You

Pro Se

Trustee(s):

Wesley H Avery (TR)

Represented By
Laila Masud
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
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Tuesday, August 31, 2021

Hearing Room 1675

3:00 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.

#12.00 Hearing re: Motion for partial summary judgment (1) Alleged Pre Petition Direct Rent Payments from the Debtor to 400 S. La Brea, LLC Based on Statute of Limitations; (2) All Pre Petition Avoidance Causes of Action Asserted Directly Against 400 S. La Brea, LLC; (3) Alleged Pre Petition Preferential Transfers to 400 S. La Brea, LLC; and (4) Conversion Claims Asserted Against 400 S. La Brea, LLC

Docket 1032

***** VACATED *** REASON: Cont'd from 8/31/21 to 10/20/21 at 2:00 p.m.
per stip & order entered on 7/21/21-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 10/20/21 at 2:00 p.m. No appearances are required on 8/31/21.

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
Jonathan Seligmann Shenson

Ace Gallery New York, Inc., a

Represented By
Alan W Forsley

ACE MUSEUM, a California

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
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3:00 PM

CONT... Art and Architecture Books of the 21st Century Chapter 11

400 S La Brea, LLC a California

Represented By
Michael W Vivoli
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
Keith Patrick Banner

Kamran Gharibian

Represented By
Brian L Davidoff
Keith Patrick Banner

Daryoush Dayan

Represented By
Brian L Davidoff
Keith Patrick Banner

Cathay Bank, a California

Represented By
Ekwan E Rhow
Elliot C Harvey Schatmeier

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

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

Tuesday, August 31, 2021

Hearing Room 1675

3:00 PM

CONT... Art and Architecture Books of the 21st Century

Chapter 11

Sam Leslie

Represented By
Victor A Sahn
Carolyn A Dye
David J Richardson
Jason Balitzer
Steven Thomas
Stephen Sorensen